

Linz Exhibit 1

Report of Daniel Linz, PhD

Expert qualifications

1. I am currently a professor in the Department of Communication at the University of California, Santa Barbara. I am a tenured professor and have been at this position since 1988. I received bachelor degrees in psychology and sociology from Northern Kentucky University in 1978, and a master's degree in psychology and sociology and a Ph. D. in psychology from the University of Wisconsin, Madison. My research focus has been on the effects of sexually oriented and violent entertainment upon human psychology and behavior and the effects of sexually related expression on adults and communities. I have been qualified as an expert witness on the question of alleged secondary effects from adult entertainment and the effects of such entertainment on human behavior in numerous federal courts throughout the United States. No court has found me not qualified as an expert witness.

2. I am also a published author in peer-reviewed journals on these subjects. My curriculum vitae is attached as **Exhibit 1**, and accurately reflects my teaching positions, the honors and awards that I have received, the papers that I have either authored or co-authored which have been published in peer-reviewed journals, my professional activities, research grants that I have received, professional conferences where I have presented various papers, invited addresses where I have spoken, and public testimony that I have given.

3. Among my peer reviewed publications are the following:

Paul, B. & Linz D. G. (2008). The Effects of Exposure to Virtual Child Pornography on Viewer Cognitions and Attitudes Toward Deviant Sexual Behavior. *Communication Research*, 35(1), 3-38.

Linz, D. & Imrich, D. (2001). Child Pornography. In: S.O. White, (Ed). *Handbook of Law and Social Science: Youth and Justice*. Kluwer Academic/Plenum Press, 79-111.

Linz, D., Penrod, S., & Donnerstein, E. (1987). The Attorney General's Commission on Pornography: The gap between "findings" and facts. *The American Bar Foundation Research Journal*, 1987(4), 301-324.

Linz, D., Donnerstein, E., & Penrod, S. (1987). The findings and recommendations of the Attorney General's Commission on Pornography: Do the psychological facts fit the political fury? *American Psychologist*, 42(10), 946-953.

4. I have been asked by Attorney Michael Murray to express opinions on:

A. The quantity of sexually explicit expression depicting adults vs. the quantity of child pornography;

B. Of the quantity of child pornography, the quantity that depicts older adolescents.

C. The quantity of sexually explicit expression depicting persons who are obviously adults vs. the quantity of sexually explicit expression depicting persons who are not obviously adults, or put another way, the quantity of sexually explicit expression depicting persons who could reasonably be minors based on their apparent ages vs. the quantity of sexually explicit expression depicting persons who are obviously adults; and

D. The issue of whether pedophiles are interested in depictions of pre-pubescent children and have no interest in teen-agers who might be confused as young adults;

E. The quantity of private non-commercial sexually explicit expression e.g., "sexting" on cell phones, postings on adult dating websites, home-produced erotic videos and photos, erotic fan fiction, attachments to emails, etc.

5. I am being compensated at a rate of \$350.00 per hour.

The quantity of sexually explicit expression depicting adults vs. the quantity of child pornography.

1. The U.S. federal statutes that criminalize child pornography define "child" as age 17 or younger, and CP as the "visual depiction . . . of sexually explicit conduct" (18 USC Section 2256, 2003). The statute states that sexually explicit conduct includes sexual acts such as intercourse, bestiality, and masturbation, as well as "lascivious exhibition of the genitals or pubic area."

2. Commercial production motivated by profit appears to account for a relatively small proportion of child pornography production in the United States (Collins, 2007). Instead, most child pornography appears to be produced by persons who know and have intimate access to specific victims (e.g., family or household members; acquaintances such as neighbors, family friends, baby sitters; Collins, 2007; Mitchell, Finkelhor, & Wolak, 2005; Wolak et al., 2005).

3. Supervisory Special Agent for the Behavioral Science Unit Federal Bureau of Investigation FBI agent Kenneth V. Lanning notes that child pornography can be divided into two subcategories: commercial and homemade (Behavioral Analysis For Law Enforcement Officers Investigating Cases of Child Sexual Exploitation, FBI Academy Quantico, Virginia. December 1992 Third Edition).

4. According to the special agent: Commercial child pornography is that which is produced and intended for commercial sale. Agent Lanning notes that because of strict federal and state laws today, there is no place in the United States where commercial child pornography is knowingly openly sold. He states: "In the United States it is primarily a cottage industry run by pedophiles and child molesters. The commercial child

pornography still being distributed in the United States is smuggled in from foreign countries—primarily by pedophiles. The risks are usually too high for the strictly commercial dealer. Because of their sexual and personal interests, however, pedophiles are more willing to take those risks. Their motive goes beyond just profit."

5. In order to further confirm that commercial production motivated by profit appears to account for a relatively insignificant proportion of child pornography production in the United States, I have relied on the information in the article: "Measuring Overbreadth" by Geoffrey McGovern and Jonathan S. Krasno, The Social Science Research Network cites it as part of a "Working Paper Series" (2007). To address the question of the quantity of sexually explicit expression depicting adults vs. the quantity of child pornography, I prepared versions of what McGovern and Krasno call the "regulatory efficiency" measure.

6. The narrow tailoring and overbreadth doctrines, as I understand it, are concerned with how much protected speech is unnecessarily burdened by a regulation compared with the amount of speech that is appropriately burdened.

7. I applied this measure to calculate the expression burdened by Section 2257 and 2257A. This overbreadth is characterized by a ratio or series of ratios that can be thought of as measures of regulatory efficiency. I formed the ratio of the "actual child pornography" versus all other pornography. Or, stated another way a ratio separating the category of all burdened expression, into the properly targeted mischief, and everything else.

8. Appendix A contains the results of Google searches used to form overbreadth ratios.

9. The following calculation was made using the meta-tag search terms "child pron" (sic) 3,090,000 / "porn" 1,360,000,000 = .00227. As can be seen, this is an extremely small percentage of materials. Using the terms "kid pron" (sic) yielded an even smaller ratio.

10. It important to note that overwhelmingly all of the "hits" from these searches appeared to be related to the prosecution of child pornography or the problem of child pornography in society. None could be identified as possible child pornography images.

11. My conclusion, based on every source I have reviewed greater than 99 percent of commercial pornography sites involve adults rather than children. Less than 1 percent are tagged with the term child porn. The percentages would be lower if we add all communications shared in a noncommercial setting as well.

Research indicates that the biggest source of child pornography is peer-to-peer networks, not commercial pornography outlets.

1. I have reviewed studies of arrests for possession of child pornography I deem to be credible. One such study has collected information on arrests for child pornography production at two points in time (2000–2001 and 2006) from a national sample of more

than 2,500 law enforcement agencies. Arrests for Child Pornography Production: Data at Two Time Points From a National Sample of U.S. Law Enforcement Agencies by Janis Wolak, David Finkelhor, Kimberly J. Mitchell, and Lisa M. Jones. The authors examined whether trends in arrests suggested increasing child pornography production, shifts in victim populations, and challenges to law enforcement.

2. I also examined the scientific report "Child Pornography Possessors: Trends in Offender and Case Characteristics" by Janis Wolak, David Finkelhor and Kimberly Mitchell. This article reports results from the NJOV Study that are relevant to concerns about crimes involving child pornography possession.

3. This report describes comparisons between child pornography possession cases ending in arrests between mid-2000 and mid-2001 and during 2006 in terms of numbers of arrests, characteristics of offenders, nature of the CP possessed, use of p2p file sharing networks, how and where child pornography cases arose in the criminal justice system, and case outcomes.

4. The authors report that there was a large increase in the percentage of offenders who had used peer-to-peer (p2p) networks to download child pornography. P2p is an approach to computer networking where all computers share equivalent responsibility for processing data. Peer-to-peer networking (also known simply as *peer networking*) differs from client-server networking, where certain devices have responsibility for providing or "serving" data and other devices consume or otherwise act as "clients" of those servers. Internet applications operating over peer-to-peer networks enable direct communication between users. Used largely for sharing of digital music, images, and video, peer-to-peer applications include BearShare, Gnutella, LimeWire, and KaZaA. KaZaA is the most popular, with over 3 million KaZaA users sharing files at any time.

5. P2p users who were arrested were more likely to have images that depicted children younger than 3 (40% vs. 23% of others, sexual penetration (93% vs. 78%, and violence (39% vs. 18%). Users of p2p networks also accounted for much of the CP distribution among offenders arrested in 2006, with 93% identified by respondents as distributors compared with 19% of others.

6. I also examined the report: Trends in Arrests for Child Pornography Possession: The Third National Juvenile Online Victimization Study (NJOV-3) Janis Wolak, David Finkelhor & Kimberly J. Mitchell. In 2009, there was another jump in the percentage of arrested child pornography possessors who used peer-to-peer file sharing networks. One change reflected in the trends was the technology used by arrested CP possessors to access child pornography. In 2009, 61% of arrested child pornography possessors used peer-to-peer (P2P) file sharing networks, compared to 28% in 2006 and only 4% in 2000.

7. It is important to point out that the authors do not conclude that the amount of child pornography has increased over the years. The growth in prosecutions may be attributable to law enforcement's increasing sophistication in conducting proactive investigations in P2P venues. In 2009, 42% of arrests began with law enforcement

monitoring file sharing networks for contraband images.

8. Programs used by police to uncover trading via p2p networks can determine the content and number of images traded by specific individuals. The National Strategy for Child Exploitation Prevention and Interdiction A REPORT TO CONGRESS AUGUST 2010 U.S. Department of Justice. Two programs currently used by law enforcement agencies to identify IP addresses and catalog images include: Operation Fairplay, supported by the Wyoming Division of Criminal Investigations and the Palm Beach County (FL) State's Attorney Office and Operation RoundUp, developed by the University of Massachusetts under a grant from the National Institute of Justice. Since Operation Fairplay's inception in 2006 and Operation Roundup's inception in late 2009, the two programs have identified over 20 million different IP addresses offering child pornography files (pictures, videos) on a Peer-to-Peer file-sharing network. Operation Fairplay has a "watch list" of 170,000 child pornography files. Operation RoundUp currently has a watch list of 120,000 child pornography files. In both of these tools, the files on the "watch list" are those the developers (law enforcement officers) deem to represent some of the "worst"(movies and photographs of the most violent assaults, with the youngest victims) of the child pornography images they have seen.

9. These two applications (Fairplay, RoundUp) are currently the only sources of data in the United States known to the Department on the volume of child pornography traded over peer to peer networks.

10. I am familiar with the United States General Accounting Office (GAO) March 13, 2003 study entitled: FILE-SHARING PROGRAMS, Child Pornography Is Readily Accessible over Peer-to-Peer Networks," Statement of Linda D. Koontz Director. The Director reports on a study focused on the availability of pornographic video files on peer-to-peer sharing networks in which a sample of 507 pornographic video files retrieved with a file-sharing program included about 3.7 percent child pornography videos. This study is entitled: , "Peer-to-Peer Sharing on the Internet: An Analysis of How Gnutella Networks Are Used to Distribute Pornographic Material," Canadian Journal of Law and Technology, vol. 1, no. 1 (January 2002) by Michael D. Mehta, Don Best, and Nancy Poon.

11. In summary, my opinions are that: a. Child pornography is a very *insubstantial* portion of overall commercial pornography market. This fact is clearly admitted to by law enforcement officials. b. Well over 99 percent of material in this market is clearly identifiable as adult pornography. Record keeping requirements mandated in 2257 and 2257a clearly overburden these commercial purveyors of adult pornography.

12. Further, my opinions are: a) Child pornography, according to law enforcement and my own estimations is not distributed through the usual commercial means by which adult pornography is disseminated. Instead, most successful law enforcement efforts are directed to materials shared on peer-to-peer (p2p) networks. b) The available evidence shows that this source of distribution contains an insubstantial amount of child pornography.

13. Finally, as of 2010, the law enforcement program Operation Fairplay has a “watch list” of 170,000 child pornography files. Another program Operation RoundUp currently has a watch list of 120,000 child pornography files. In my opinion, these quantities are a nearly infinitesimal proportion of the many hundreds of millions of adult pornography files shared across p2p networks. For reasons detailed later in this report the vast majority of those are child pornography files that would never be confused with adolescents.

Of the quantity of child pornography, what is the quantity that depicts older adolescents?

1. I have examined the scientific report "Child Pornography Possessors: Trends in Offender and Case Characteristics" by Janis Wolak, David Finkelhor and Kimberly Mitchell. In this report the authors state: "Although there have been controversies over “borderline” images, such as art photos of naked children and pictures of older teens, such images play virtually no role in cases where people have been arrested for child pornography possession."
2. To further address the question of the quantity of sexually explicit expression depicting adults vs. the quantity of pornography that depicts older adolescents, I prepared a version of what McGovern and Krasno call the “regulatory efficiency” measure. I calculated the ratio: "teen porn" 28,600,000 / "porn" 1,360,000,000 = .0210.
3. In my opinion the vast majority of pornographic material in the commercial domain involves persons that any law officer would conclude is an adult. While 2 percent could be confusing, 98 percent is not and therefore burdened by the 2257 reporting requirements. It is my opinion that a substantial majority of images of adults are not reasonably confused as minors.
4. In my opinion the quantity of sexually explicit expression depicting persons who are not obviously adults vs. the quantity of sexually explicit expression depicting persons who are obviously adults is very small. Likewise it is my opinion that the quantity of sexually explicit expression depicting persons who could reasonably be minors based on their apparent ages vs. the quantity of sexually explicit expression depicting persons who are obviously adults is small.

Pedophiles are most interested in depictions of pre-pubescent children and have no interest in teen-agers who might be confused as young adults.

1. The vast amount of child pornography involves prepubescent children and is not confused with adult pornography because the perpetrator has no interest in older targets. Law enforcement officials engaged in behavioral analyses have confirmed this observation. (See: Behavioral Analysis For Law Enforcement Officers, Investigating Cases of Child Sexual Exploitation December 1992, Third Edition Kenneth V. Lanning Supervisory Special Agent Behavioral Science Unit Federal Bureau of Investigation FBI Academy Quantico, Virginia).

2. This report clearly states that young children many as young as three years old are the preferred sexual objects. This is evident by a number of behavioral patterns. According to special agent Lanning, because they have a sexual preference for young children, pedophiles usually have some degree of difficulty in performing sexually with adults. Therefore, they typically do not marry. If married, they have a “special” relationship with their spouse--they will marry a woman who does not have high sexual expectations or needs. A woman married to a pedophile may not realize that her husband is a pedophile but she does know he has a “problem”—a sexual performance problem. Pedophiles sometimes marry for convenience or cover.

3. I also examined the FEDERAL CHILD PORNOGRAPHY OFFENSES released in December 2012. This report is the result of a multi-year process in which the United States Sentencing Commission (“the Commission”) examined cases of offenders sentenced under the federal sentencing guidelines and corresponding penal statutes concerning child pornography offenses. In the report a study by SHELDON & HOWITT, is cited for the proposition that “there is no meaningful sense in which offenders ‘accidentally’ come across child pornography” when viewing adult pornography sites). A forensics review can also debunk an excuse that child pornography was accidentally viewed. See Testimony of James Fottrell, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice, to the Commission, at 22–23 (Feb. 15, 2012) (on behalf of the U.S. Department of Justice) (“Fottrell Testimony”) (“[i]mages in particular folders sorted and organized . . . are not accidentally viewed; they are purposely sorted and organized in a particular manner”). Seto et al., Child Pornography Offenses, supra note 7, at 613 (“people are likely to choose the kind of pornography that corresponds to their sexual interests, so relatively few nonpedophilic men would choose illegal child pornography”). See also Abel Testimony, supra note 7, at 105–06 (“Why do heterosexual men buy Playboy? . . . To look at the pictures. Why? Because they’re interested in the pictures . . .”).

4. In my opinion the legal and scientific research shows that those pedophile perpetrators interested in images of children are not interested in material that is ambiguous or that does not clearly involve children.

The quantity of private non-commercial sexually explicit expression e.g., "sexting" on cell phones, postings on adult dating websites, home-produced erotic videos and photos, erotic fan fiction, attachments to emails, etc.

1. The possible sources of sexually explicit images is virtually limitless. These include:

- Facebook
- Twitter
- Instagram
- Imageboards (e.g., 4chan, Futaba Channel)
- Streaming video (e.g., Youtube, Vimeo, BlipTV, UStream)
- Private/sem-private/public forums
- Image sharing services (e.g., imgur)

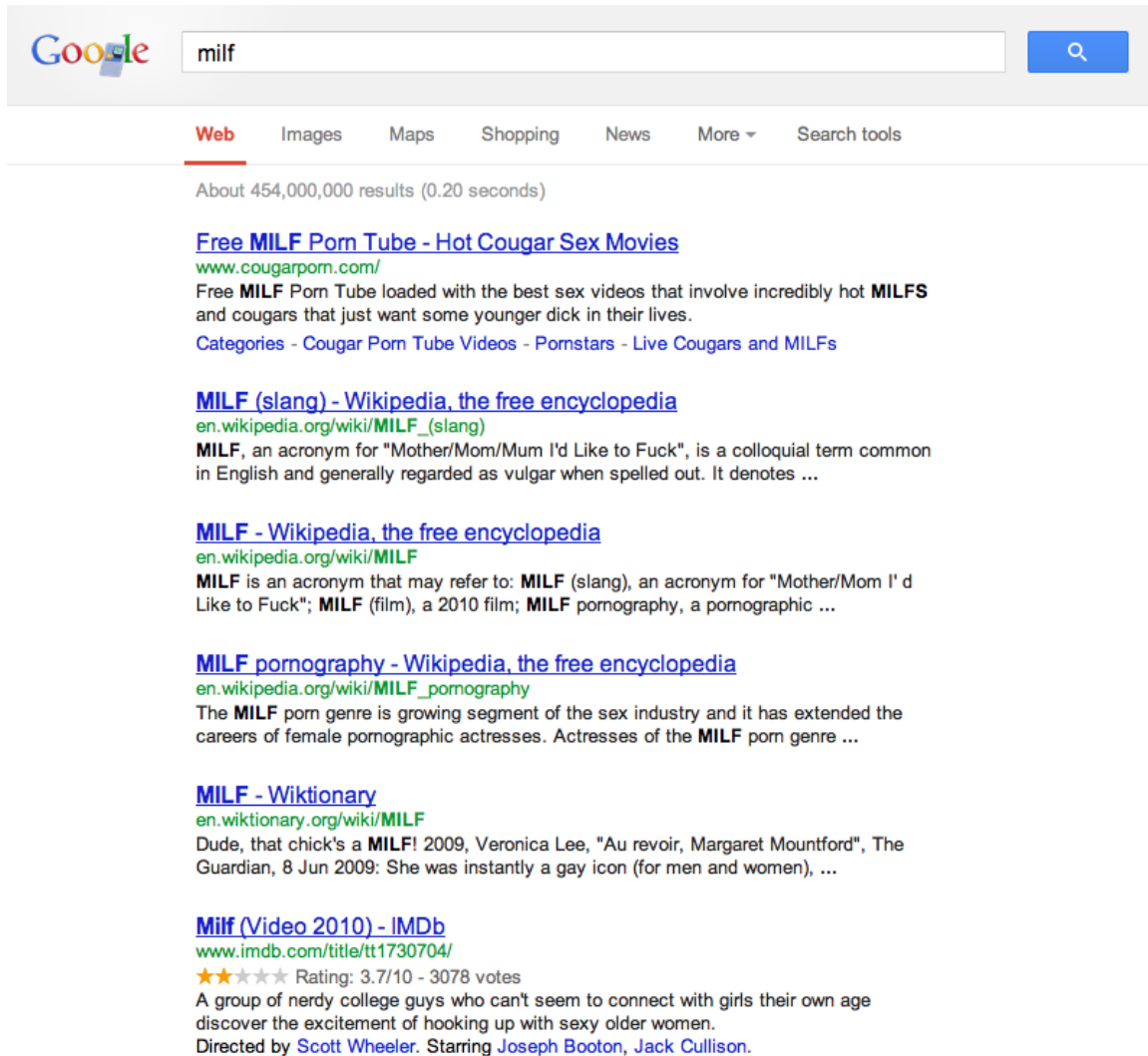
- Reddit
- Live streaming (e.g., Skype, private webcam, Openbroadcaster)

2. Other *possible* sources: This includes torrents, direct file sharing, private servers, etc. A file can be stored online is essentially a potential site of explicit images. This includes everything from Dropbox to one's email inbox.

3. In my opinion, many millions of adult Americans exchange sex depictions and images by these means. These are private citizens who are not engaged in an economic enterprise but choose to share sexually explicit images with one another. This opinion is supported by member counts of organizations such as those found in Appendix B which are included in Appendix B of this report. It is extremely burdensome to noncommercial users who in the course of private lives post on social networks and share images to require reporting mandated by USC 2257 and 2257a.

/s/ Daniel Linz

Appendix A



Google

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About 454,000,000 results (0.20 seconds)

[Free MILF Porn Tube - Hot Cougar Sex Movies](#)
www.cougarporn.com/
 Free **MILF** Porn Tube loaded with the best sex videos that involve incredibly hot **MILFS** and cougars that just want some younger dick in their lives.
 Categories - Cougar Porn Tube Videos - Pornstars - Live Cougars and MILFs


[MILF \(slang\) - Wikipedia, the free encyclopedia](#)
[en.wikipedia.org/wiki/MILF_\(slang\)](http://en.wikipedia.org/wiki/MILF_(slang))
MILF, an acronym for "Mother/Mom/Mum I'd Like to Fuck", is a colloquial term common in English and generally regarded as vulgar when spelled out. It denotes ...

[MILF - Wikipedia, the free encyclopedia](#)
en.wikipedia.org/wiki/MILF
MILF is an acronym that may refer to: **MILF** (slang), an acronym for "Mother/Mom I'd Like to Fuck"; **MILF** (film), a 2010 film; **MILF** pornography, a pornographic ...

[MILF pornography - Wikipedia, the free encyclopedia](#)
en.wikipedia.org/wiki/MILF_pornography
 The **MILF** porn genre is growing segment of the sex industry and it has extended the careers of female pornographic actresses. Actresses of the **MILF** porn genre ...

[MILF - Wiktionary](#)
en.wiktionary.org/wiki/MILF
 Dude, that chick's a **MILF**! 2009, Veronica Lee, "Au revoir, Margaret Mountford", The Guardian, 8 Jun 2009: She was instantly a gay icon (for men and women), ...

[Milf \(Video 2010\) - IMDb](#)
www.imdb.com/title/tt1730704/
 ★★☆☆☆ Rating: 3.7/10 - 3078 votes
 A group of nerdy college guys who can't seem to connect with girls their own age discover the excitement of hooking up with sexy older women.
 Directed by [Scott Wheeler](#). Starring [Joseph Booton](#), [Jack Cullison](#).

Google 

Web Images Maps Shopping Videos More ▾ Search tools

About 28,600,000 results (0.22 seconds)

[Free Young Porn Videos - XXX Teen Porn, Young Sex Movies ...](#)
www.youngpornvideos.com/
Porn videos featuring **teen xxx** sex movies with clips of the hottest young **porn** stars and videos for free. All models are legal and 18+.
 Categories - Free Young Indian Porn Videos - 18 year old Videos - Young Videos

[Teen Porn With Free Nude Models In XXX Pussy Porn Tube :: Youporn](#)
www.youporn.com/category/32/teen/
 GET the Best FREE **TEEN PORN** and **TEEN** Models at YOUTPORN! WATCH Hot XXX Young Nude Girls as They Fuck and Suck on the Net's BEST TUBE! CLICK ...

[8 Teen XXX - Teen Sex, Free Teen Sex, Teen Porn, Free Teen Porn ...](#)
www.8teenxxx.com/
 8 **teen xxx**, **teen** sex, free **teen** sex, free **teen** sex movies, free **teen** sex pictures, free **teen** sex galleries, daily Updated free **teen** sex galleries.

[Teen porn movies & sex videos | Redtube.com Free Porn](#)
www.redtube.com/redtube/teens
Teens video Princess on webcam, now playing on RedTube Home of **Porn**, sex videos & xxx movies.

[TeenSnow.com: Teens Snow! More Teen Porn Videos That You ...](#)
www.teensnow.com/
 Teen Snow brings you free **teen porn** videos. ... Best **Teen Porn** Videos * Hottest Teens This Month * Hotties Of The Week ...

[Kinky Teen Porn Videos - Porn Tube Movies](#)
kinkyteenporn.com/
 Weirdest **teen porn** movies featuring kinky young ladies, insane world of perverted sluts who prove that they are ready for anything in these **teen porn** videos.


[Amateur teen pron - Amateur sex video - Tube8.com](#)
www.tube8.com/amateur/amateur-teen-pron/3056181/
 Watch Amateur sex in Amateur **Teen Pron** . Amateur videos can be viewed online or downloaded completely free.

[Youngest Teen Pron Movies Videos - 100% Free Porn Tube - Page 15](#)
www.heavy-r.com/index.php?handler...teen+pron...
 We have tons of youngest **teen pron** movies videos all completely free to watch! Heavy-R is a free porn tube offering the most hardcore porn videos. Now you ...

[PornHub.com :: Free Teen Porn Videos, Sexy Teens Ass & Pussy ...](#)
www.pornhub.com/video?c=37
Teen lesbians should be filmed giving blowjobs. My hard drive still has some free space left and I need to expand my ever growing collection of **porn** vids.

[Teens pron - xHamster.com](#)
xhamster.com/movies/1170228/teens_pron.html
 Apr 26, 2012 – Watch **teens pron** at xHamster.com! xHamster is the best sex tube to get Free Porn!

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About 3,090,000 results (0.21 seconds)

Including results for [child porn](#)
 Search only for [child pron](#)


[Child pornography - Wikipedia, the free encyclopedia](#)
[en.wikipedia.org/wiki/Child_pornography](#)
 Experts differ over any causal link, with some experts saying that use of **child porn** reduces the risk of offending, and others arguing that it increases the risk.
[Laws regarding child ...](#) - [Child erotica](#) - [Category:Child pornography](#)

[Deacon Busted For Storing Child Porn in the Cloud - Verizon ...](#)
[www.dslreports.com/.../Deacon-Busted-For-Storing-Child-Por...](#)
 56 posts - 47 authors - 5 days ago
 News: Deacon Busted For Storing **Child Porn** in the Cloud - Verizon Snoops in Files Resulting in Arrest.


[Hundreds arrested in child porn bust | 6abc.com](#)
[abclocal.go.com/wpvi/story?section=news/local&id...](#)
 Jan 3, 2013 – Hundreds of people have been arrested across the country as part of something called Operation Sunflower.

[Scam accuses you of viewing child porn | 9news.com](#)
[www.9news.com/.../Scam-accuses-you-of-viewing-c...](#)
 by Will Ripley - in 50 Google+ circles - More by Will Ripley
 Jan 14, 2013 – The scam accuses you of viewing **child** pornography and orders you to pay a fine to avoid federal prosecution. It was realistic enough to fool ...

[Maryland Man Sentenced In Child Porn Case « CBS Baltimore](#)
[baltimore.cbslocal.com/.../maryland-man-sentenced-in-child-p...](#)
 Feb 21, 2013 – A 30-year-old Maryland man was sentenced in Lafayette, La., to eight years in prison for possessing **child** pornography.

[Woman Arrested in San Fernando Valley Child Porn Case | KTLA 5](#)
 [ktla.com/.../u-s-attorney-hunts-makers-of-san-fe...](#)
 Jan 4, 2013
 LOS ANGELES (KTLA) – Federal investigators have arrested the woman they believe is involved in a decade ...

[Possible Local Victims in Chillicothe Child Porn Case - WSYX ABC6 ...](#)
 [www.myfox28columbus.com/.../wsyx_possible...](#)
 Feb 14, 2013
 CHILLICOTHE – The Attorney General wants parents to talk to their kids about a man arrested fo.

[Hoosiers among 245 international child porn ring arrests](#)
 [www.wishtv.com > News > Crime](#)
 Jan 3, 2013
 Four Hoosiers were arrested as part of an international **child** pornography and exploitation sting that netted 245 ...

[More videos for child pron »](#)

[Pope's child porn 'normal' claim sparks outrage among victims ...](#)
[www.belfasttelegraph.co.uk/.../popes-child-porn-normal-claim...](#)
 Victims of clerical sex abuse have reacted furiously to Pope Benedict's claim yesterday that paedophilia wasn't considered an "absolute evil" as recently as the ...

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About 2,000,000 results (0.28 seconds)

Including results for [Kid porn](#)
Search only for [Kid pron](#)

Ad related to **Kid pron** ⓘ

[Searching child porn? - dont-offend.org](#)
www.dont-offend.org/
You have sexual fantasies towards **kids**? Don't offend! There is help.

[kid porn - YouTube](#)
www.youtube.com/watch?v=jAfDUa31YuA
Dec 17, 2006 – To **child** sex tourism in Morocco by argazz1 1,233,565 views; 8:37.
Watch Later **Kid** pisses on car! SEXist teacher! 10 year old watches **PORN**! by ...

['Sexting' surprise: Teens face child porn charges - Technology ...](#)
www.nbcnews.com/id/28679588/
Jan 15, 2009 – Six Pennsylvania high school students are facing **child** pornography charges after three teenage girls allegedly took nude or semi-nude photos ...

[Child porn prosecutions soaring in U.S. - The Denver Post](#)
www.denverpost.com > Nation / World
Feb 6, 2011 – FBI agent Stacie Lane sat at her computer at the FBI headquarters in Maryland one June morning in 2007, launched the notorious file-sharing ...

[Is this a child porn site? - Yahoo! Answers](#)
answers.yahoo.com > ... > Computers & Internet > Security
6 answers - Mar 3, 2012
Top answer: I guess **child** pornographers have to find creative ways to advertise, eh?

[Can Googling 'Child Porn' & Other Weird Internet Searches Get You ...](#)
thestir.cafemom.com/.../can_googling_child_porn_other
Jun 15, 2012 – I have a confession to make: Sometimes I wonder if my Internet activities could get me arrested. I can clearly imagine a loud pounding at the ...

[child porn - Local Coverage | Boston Herald](#)
bostonherald.com/news_opinion/local_coverage?articleid...
... last month's killing of a popular Malden skateboard shop owner have released photos and... Judge bars eatery GM from Internet after **child porn** charge. By ...

[Teenager sentenced for possession of child porn - Columbia Daily ...](#)
www.columbiatribune.com/.../teenager...child-porn/article_2e...
Jan 23, 2013 – A Columbia man was ordered to serve seven years in the state Department of Corrections. Circuit Judge Jodie Asel also recommended Hall for ...

[Woman wanted for making a child porn with a 4/5 year old - feds ...](#)
imgur.com/gallery/S42nX
Link: <http://www.keprtv.com/news/national/Feds-trying-to-identify-woman-seen-in-child-porn-video-184185971.html>. Do your best, imgur! scoobyyoustupid 151 ...

[Child Porn Seizure May be LARGEST in US History](#)
www.godlikeproductions.com/forum1/message1721024/pg1
31 posts - 5 authors - Dec 5, 2011
Riverside - One of eight California men arrested on **child** pornography charges may have had the largest collection of images and videos ever ...

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[PomHub.com :: Free Teen Porn Videos, Sexy Teens Ass & Pussy ...](#)
www.pornhub.com/video?c=37
 Teen lesbians should be filmed giving blowjobs. My hard drive still has some free space left and I need to expand my ever growing collection of **porn** vids.
[School - Top Rated - Most Viewed Teen Videos - Longest Teen Videos](#)

[TeenSnow.com: Teens Snow! More Teen Porn Videos That You ...](#)
www.teenSnow.com/
 Teen Snow brings you free **teen porn** videos. ... Best **Teen Porn** Videos * Hottest Teens This Month * Hotties Of The Week ...
[17 - 10 - 16 - 12](#)

[Free Young Porn Videos - XXX Teen Porn, Young Sex Movies ...](#)
www.youngpornvideos.com/
Porn videos featuring **teen** xxx sex movies with clips of the hottest young **porn** stars and videos for free. All models are legal and 18+.
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www.bravoteens.com/
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www.8teenxxx.com/
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 Collecting of Free **Teen Porn** Videos. ... Collecting of Free **Teen Porn** Videos. **Teen Porn**; Porn Categories. Amateur Porn · Anal · Anal Sex · Asian · Asian Porn ...

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www.xvideos.com/tags/18yearold
 (12 min) **Porn** quality: 98%. **18 Year old** Dirty little girl Nikki Loren ... (22 min) **Porn** quality: 99%. Innocent Brunette Teen Babe Brooke Lee Ad ... (25 min) **Porn** ...

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www.8teenxxx.com/
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 EU politicians have voted against a pan-European ban on all forms of

Appendix B

Name of site	Type of Site	Visitors	Amount of Content/Ty
Adult Friend Finder	Adult Dating	41 mil unique per month	Hottest Video
Access: 3/8/13		110 mil total per month	Adult Video Scenes: 44,948 (96 per page) Current Member we
Be Naughty	Adult Dating	7.4 mil unique per month	
Access: 3/8/13		24 mil total per month	
Fling	Adult Dating	9.1 mil unique per month	Member Photos: 8,266,000 Mi
Access: 3/7/13		21 mil total per month	Webcams: 400 users in public
Horny Matches	Adult Dating	4.6 mil unique per month	
Access: 3/8/13		11 mil total per month	
UpForIt	Adult Dating	2.3 mil unique per month	unkn
Access: 3/7/13		6.1 mil total per month	
Flirt	Adult Dating	1.5 mil unique per month	unkn
Access: 3/7/13		3.5 mil total per month	
Adam4Adam	Adult Dating	1.4 mil unique per month	unkn
Access: 3/7/13		3.2 mil total per month	
Alt	Adult Dating	1 mil unique per month	9,090 photos in
Access: 3/8/13		3.9 mil total per month	
CollarMe	Adult Dating	133,186 unique per month	
Access: 3/8/13		8.11 mil total per month	
Xdating	Adult Dating	9.1 mil unique per month	

Access: 3/8/13		25 mil total per month	
Xpeeps	Adult Cam		12,280 live c
Access: 3/8/13			
Adult Space	Adult Dating	unknown	
Access: 3/13/13			
SwingerZoneCentral	Adult Dating	unknown	access to pictures are granted by indivi
Access: 3/13/13			
Affairs Club	Adult Dating	This is the same as	
Access: 3/13/13			
IWantU	Adult Dating	HornyMatches Unknown	
Access: 3/13/13			
DateaCougar	Adult Dating	unknown	
Access: 3/13/13			
Hookup	Adult Dating	unknown	Photo galleries: 26,672 (24 per page x 111
Access: 3/13/13			
xxxBlackBook	Adult Dating		1,000 videos uploade
Access: 3/13/13			
SexinyourCity	Adult Dating	unknown	
Access: 3/13/13			
AmateurMatch	Adult Dating		
Access: 3/13/13			
Passion	Adult Dating		Hottest v
Access: 3/13/13			
			hottest pho Adult s
Getiton	Adult Dating	unknown	Live v
Access: 3/13/13			Hottest Meml
BDSM	Adult Dating	unknown	
Access: 3/14/13			45,01:
Ashley Madison	Adult Dating	1.8 mil unique visitors	

Access: 3/14/13

each month

LetsBang Adult Dating

unknown

member uploaded

Access: 3/14/13

member uploaded

Xhookups Adult Dating

unknown

Access: 3/14/13

NaughtyConnection Adult Dating

unknown

Access: 3/14/13

Adult Match Doctor Adult Dating

unknown

Access: 3/14/13

Pornhub Adult Tube

16 mil per month

Vid

Access: 3/8/13

Milf: 6974; Gay: 12105; Mature: 2019; Lesbian: 4814; Teen: 16800; Hentai: 654; Amateur: 19399; Friendly: 852

Anal: 13989; Rough Sex: 4474; Big Tits: 17678
Threesome: 6427; Gangbang: 720; Big Dick: 4

Party: 1337; Orgy: 7019; Bondage: 1120

2056; BBW: 1303; Ass: 4527; Masturbation: 783

Double Penetration 2375; Interracial: 4853;

5117; Hardcore: 17699; Latina: 4187; Pornst:

528' Uniforms: 554; Fetish 5177; Bisexual: 234'

Outdoor: 3444; blowjob:9435;Toys: 7269; Funn

360; Solo Male: 160; Webcam: 1893; E

986; S

Livi

Redtube Adult Tube 9.9 mil per month

Newest Community Vi

Access: 3/8/13

Live Amateur and Pornstar

Xhamster Adult Tube 9.8 mil per month
Access: 3/8/13

Videos Cou
(40 per page at 9580 pages plus 25 video
Pictures: 535, 400 (40 pics per page at

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LiveJasmin Adult/Cam 32 million per month

200 performers onl

Access: 3/8/13 50 million unique per
month

Xvideo Adult Tube 43,677,129 visits
reported
Access: 3/8/13 by Ovguide.com
4.4 BILLION page views

2,9

per month
350 million visits per
month

TNAflicks Adult Tube 23,187,706 visits
reported
Access: 3/8/13 by Ovguide.com

Vid2C Adult Tube 1,980,031 visits reported

1

Access: 3/8/13		by Ovguide.com	11,665 galle
3XUpload	Adult Tube	911,370 visits reported	1,010 all amateur up
Access: 3/8/13		by Ovguide.com	612 galle
ClearClips	Adult Tube	1,229,137 visits reported	29,160 videos (30 vi
Access: 3/8/13		by Ovguide.com	
Xtube	Adult Tube	2,595,996 visits reported	Amateurs: 1,078 (those who have uploaded vic
Access: 3/8/13		by Ovguide.com	100,(
AlotPorn	Adult Tube	4,566,255 visits reported	
Access: 3/11/13		by Ovguide.com	
Pornative	Adult Tube	629,729 visits reported	4
Access: 3/11/13		by Ovguide.com	
YouJizz	Adult Tube	51,979,120 visits reported	202,032 videos (72 per page
Access: 3/15/13		by Ovguide.com	
MadThumbs	Adult Tube	1,871,241 visits reported	138, 874 videos (46 per page
Access: 3/12/13		by Ovguide.com	111,111 photo albums (46 per page x 2415 pag
			page 2416) most albums con
Youporn	Adult Tube	20,605,694 visits reported	184,392 videos (31 per page x 5948 pages- plus
Access: 3/12/13		by Ovguide.com	
		100 million page views per day	
Spankwire	Adult Tube	15, 533,762 visits reported	114,714 "Staight" videos (20 per page x 5737
Access: 3/12/13		by Ovguide.com	lastpage) 5,527 "Tranny" videos (20 per page x 2

on last page)10,921 "Gay" videos (20 per pag

PornCor	Adult Tube	3,167,156 visits reported	
Access: 3/12/13		by Ovguide.com	
BoysFood	Adult Tube	2,006,684 visits reported	116,657 videos (32 per page x 3645 pages
Access: 3/12/13		by Ovguide.com	
Yuvutu	Adult Tube	8,519,378 visits reported	
Access: 3/12/13		by Ovguide.com	104,796 pictures (28 per page
			All videos and pictures are amateur me
Tube8	Adult Tube	27,977,438 visits	unkn
Access: 3/12/13		reported	
		by Ovguide.com	
FreeView	Adult Tube		unkn
Access: 3/12/13			
PornoTube	Adult Tube	2,229,756 visits reported	
Access: 3/12/13		by Ovguide.com	
EmpFlix	Adult Tube	10,820,942 visits	
Access: 3/12/13		reported	
		by Ovguide.com	
EskimoTube	Adult Tube	3,657,234 visits reported	2,000 videos (40 video clips per pa
Access: 3/12/13		by Ovguide.com	
Keez Movies	Adult Tube		
Access: 3/12/13			
XNXX	Adult Tube	2527076 visits reported	2,9
Access: 3/13/13		by Ovguide.com	
EFUKT	Adult Tube	2,009,984 visits reported	727 videos (20 per page x 36 pages plus
Access: 3/12/13		by Ovguide.com	
KoosTube	Adult Tube	4,789,539 visits reported	
Access: 3/12/13		by Ovguide.com	
Sellyoursextape	Adult Tube	unknown	
Access: 3/14/13			
Pawnyoursextape	Adult Tube	unknown	
Access: 3/14/13			
Seemysextape	Adult Tube	unknown	
Access: 3/14/13			

Linz Exhibit 2

In The Matter Of:

Free Speech

v.

The Honorable Eric H. Holder, Jr.

Dr. Daniel G. Linz VOL I

April 18, 2013



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A. Primarily having to do with the question of whether or not adult businesses are associated with adverse secondary effects in the community.

Page 4

---oOo---

Q. You have taken an oath to tell the truth

Dr. Daniel G. Linz - 4/18/2013

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<p>1 today; correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Can you please state your full name for the</p> <p>4 record.</p> <p>5 A. My name is Daniel G. Linz, L-i-n-z.</p> <p>6 Q. Okay. And, Mr. Linz, you're a professor of</p> <p>7 communications; correct?</p> <p>8 A. Yes, I am professor of communications at</p> <p>9 the University of California, Santa Barbara.</p> <p>10 Q. You have been in that position since 1998?</p> <p>11 A. That is correct.</p> <p>12 Q. Mr. Linz, have you prepared for this</p> <p>13 deposition?</p> <p>14 A. Yes, I did.</p> <p>15 Q. What are the steps that you took to prepare</p> <p>16 for this deposition?</p> <p>17 A. I re-read my original report, and then I</p> <p>18 also read reports submitted by the, as I understand</p> <p>19 it, two experts from the U.S. government's side of</p> <p>20 the case.</p> <p>21 Q. And those experts are who?</p> <p>22 A. I don't recall exactly their names. I</p> <p>23 would have to look at my records.</p> <p>24 Q. Is one of them Janis Wolak?</p> <p>25 A. Yes.</p>	<p>1 A. I talked to Mr. Murray.</p> <p>2 Q. Mr. Linz, when did you get your PhD?</p> <p>3 A. 1985.</p> <p>4 Q. And this was a PhD in psychology?</p> <p>5 A. Yes.</p> <p>6 Q. From the University of --</p> <p>7 A. Of Wisconsin-Madison, that's correct.</p> <p>8 Q. So after you got your PhD in psychology,</p> <p>9 did you undertake any other formal education?</p> <p>10 A. No.</p> <p>11 Q. You hesitated to provide that --</p> <p>12 A. Well, I mean, aside from the, sort of,</p> <p>13 mandated courses at UCSB having to do with</p> <p>14 personnel and a variety of other things, no, I have</p> <p>15 not.</p> <p>16 Q. Now, as part of your PhD, did you receive</p> <p>17 training in statistics?</p> <p>18 A. Yes.</p> <p>19 Q. Can you describe the extent of your</p> <p>20 training in statistics?</p> <p>21 A. My training involves, kind of, a standard</p> <p>22 course of statistics in what might refer to</p> <p>23 multivariate statistics, and that would include</p> <p>24 techniques such as regression, analysis of</p> <p>25 variance, other statistical techniques that allow</p>
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<p>1 Q. And is the other one, Gail Dines?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And when you said that you reviewed</p> <p>4 your original report, have you written another</p> <p>5 report since the original one?</p> <p>6 A. No, I have not.</p> <p>7 Q. Do you plan to write another report?</p> <p>8 MR. MURRAY: Objection.</p> <p>9 You may answer. You can answer.</p> <p>10 THE WITNESS: No, I do not.</p> <p>11 BY MR. BLADUELL:</p> <p>12 Q. Did you also meet with counsel for your</p> <p>13 preparation?</p> <p>14 A. If you're referring to Mr. --</p> <p>15 Q. Murray.</p> <p>16 A. -- Murray, yes.</p> <p>17 Q. Okay. And did you review any other</p> <p>18 documents since -- in preparing for this</p> <p>19 deposition?</p> <p>20 A. No, I have not.</p> <p>21 Q. Did you make notes to prepare for this</p> <p>22 deposition?</p> <p>23 A. No, I did not.</p> <p>24 Q. Did you talk to anyone else in preparation</p> <p>25 for this deposition?</p>	<p>1 us to understand the relationship between what we</p> <p>2 might call a predictor variable and an outcome</p> <p>3 variable.</p> <p>4 Q. Okay. And how long was that course?</p> <p>5 A. There were several. I don't recall how</p> <p>6 long. They were semester-wise courses.</p> <p>7 Q. Okay. Was it a year worth of statistics or</p> <p>8 more than a year?</p> <p>9 A. More than a year.</p> <p>10 Q. Two years?</p> <p>11 A. Perhaps, yes.</p> <p>12 Q. Do you teach statistic courses?</p> <p>13 A. Yes.</p> <p>14 Q. And what are these courses?</p> <p>15 A. I have taught an undergraduate course in</p> <p>16 statistical methodology for the social sciences</p> <p>17 both in the -- that was in the law and society</p> <p>18 program at UCSB, and then I have taught a graduate</p> <p>19 course in advanced multivariate techniques in the</p> <p>20 department of communications.</p> <p>21 Q. And how many times have you taught these</p> <p>22 courses?</p> <p>23 A. I don't recall, but five to six times.</p> <p>24 Q. Five to six times within the time period</p> <p>25 that you have been a professor at the university of</p>

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<p>1 Santa Barbara?</p> <p>2 A. Yeah, University of California, Santa</p> <p>3 Barbara.</p> <p>4 Q. I'm sorry.</p> <p>5 A. Maybe 10 times across the course of my</p> <p>6 career.</p> <p>7 Q. Okay. Have you published any statistical</p> <p>8 studies in peer-reviewed publications?</p> <p>9 A. Yes, I have.</p> <p>10 Q. And can you mention those publications?</p> <p>11 A. There are many.</p> <p>12 Q. Okay.</p> <p>13 MR. MURRAY: Hold on one second. Did we</p> <p>14 provide you with his CV?</p> <p>15 MR. BLADUELL: Yes.</p> <p>16 MR. MURRAY: I just want to make sure that</p> <p>17 we did. Go ahead.</p> <p>18 THE WITNESS: Where do we begin?</p> <p>19 BY MR. BLADUELL:</p> <p>20 Q. Okay. Let me limit that. Could you tell</p> <p>21 me the statistical studies that you have published</p> <p>22 in the last year?</p> <p>23 MR. MURRAY: Do you want to have your --</p> <p>24 THE WITNESS: If I can review my CV, it</p> <p>25 will be more accurate.</p>	<p>1 children's risky Internet experiences." The second</p> <p>2 is a study by Giles, Linz and Bonilla, Gomez,</p> <p>3 "Police Stops of Interactions with Latino and White</p> <p>4 Drivers." The third publication is a chapter, as</p> <p>5 is the fourth.</p> <p>6 Probably then going to the next is the</p> <p>7 study by Riddle, media psychology in which</p> <p>8 multivariate statistics are used, and a study by</p> <p>9 Seaman and Linz looking at assumptions underlying</p> <p>10 the regulation of indecent -- no, I'm sorry,</p> <p>11 there's probably no analysis in there.</p> <p>12 Q. Okay. If we can --</p> <p>13 A. I'm sorry, I was referring to Seaman and</p> <p>14 Linz 2010, "The Secondary Effects Doctrine Since</p> <p>15 Alameda."</p> <p>16 Q. Okay.</p> <p>17 A. And then Yao, Mahood and Linz Sexual</p> <p>18 Priming, Gender Stereotyping.</p> <p>19 Q. Okay. If I can ask you a question about --</p> <p>20 you know, let's take the first one. There's a</p> <p>21 couple of authors there; correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Were you the one writing the section on</p> <p>24 statistics?</p> <p>25 A. Did I personally write the statistic</p>
Page 10	Page 12
<p>1 MR. BLADUELL: I'm going to mark it as an</p> <p>2 exhibit. I think I have it.</p> <p>3 THE WITNESS: Also can I -- can I grab a</p> <p>4 bar --</p> <p>5 MR. BLADUELL: Sure.</p> <p>6 So I'm marking Exhibit 1 your curriculum</p> <p>7 vitae.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 (Whereupon, Daniel Linz' CV was marked</p> <p>10 Exhibit 1 for identification.)</p> <p>11 BY MR. BLADUELL:</p> <p>12 Q. You have a copy; right?</p> <p>13 MR. MURRAY: The same one that we provided</p> <p>14 you?</p> <p>15 MR. BLADUELL: Uh-huh.</p> <p>16 THE WITNESS: So the last publications that</p> <p>17 appear as peer-reviewed published articles in which</p> <p>18 I have used advanced multivariate techniques</p> <p>19 include articles such as the first by Byrne, et al.</p> <p>20 BY MR. BLADUELL:</p> <p>21 Q. Is that on page 5 of your CV?</p> <p>22 A. Yes, sir, it is.</p> <p>23 Q. The first one?</p> <p>24 A. The first one, "Predators, porn and peers;</p> <p>25 Predicting parent underestimation of their</p>	<p>1 section, no, I did not.</p> <p>2 Q. So who wrote it there?</p> <p>3 A. That is probably written by Sherry Katz, S.</p> <p>4 Katz and T. Lee.</p> <p>5 Q. Okay.</p> <p>6 A. I would advise --</p> <p>7 Q. In the second one --</p> <p>8 MR. MURRAY: Excuse me, had he finished? I</p> <p>9 think you should let him finish his answer if he</p> <p>10 hadn't.</p> <p>11 THE WITNESS: I would advise on the</p> <p>12 application of statistical techniques.</p> <p>13 MR. BLADUELL: Okay.</p> <p>14 Q. And the second one, Bonilla, D., and</p> <p>15 Gomez.</p> <p>16 A. Those -- the computer programs themselves</p> <p>17 were actually run by Mr. Bonilla.</p> <p>18 Q. Okay.</p> <p>19 A. And then both Dr. Giles and I would advise</p> <p>20 on proper application for statistical techniques.</p> <p>21 Q. Okay. In any of the ones that you</p> <p>22 mentioned on this page, were you the primary author</p> <p>23 of the statistical analysis section?</p> <p>24 A. Well, I don't know what you mean by</p> <p>25 primary.</p>

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<p>1 Q. Did you -- were you the one -- were you the</p> <p>2 professor writing the actual statistical analysis?</p> <p>3 A. Did I actually type the result section?</p> <p>4 Q. Did you actually conduct the statistical</p> <p>5 analysis?</p> <p>6 A. Well, I supervised the statistical</p> <p>7 analysis.</p> <p>8 Q. But someone else conducted?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. If we go to the second page --</p> <p>11 A. Page 6.</p> <p>12 Q. -- page 6, I'm sorry, of your CV,</p> <p>13 Exhibit No. 1, is there any study there in which</p> <p>14 you were the one conducting any statistical</p> <p>15 analysis?</p> <p>16 A. Meaning did I actually run the statistical</p> <p>17 programs?</p> <p>18 Q. Correct.</p> <p>19 A. In virtually all of these cases. I mean,</p> <p>20 this is analysis which I would supervise. I would</p> <p>21 not personally run the statistical program.</p> <p>22 Q. And in page 6 how many of them dealt with</p> <p>23 statistical analysis?</p> <p>24 A. Well, the first, "A test of competing,"</p> <p>25 media psychology; the second, "Predicting self-</p>	<p>1 expert in statistical analysis?</p> <p>2 A. I would consider myself an expert in social</p> <p>3 science statistical analysis.</p> <p>4 Q. Has your teaching focus been on statistical</p> <p>5 analysis in the social sciences?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Let me mark another exhibit. I'm</p> <p>8 going to mark your report.</p> <p>9 Counsel, do you have a copy of the report?</p> <p>10 MR. MURRAY: Yes.</p> <p>11 (Whereupon, Report of Daniel Linz, PhD, was</p> <p>12 marked Exhibit 2 for identification.)</p> <p>13 THE WITNESS: Thank you.</p> <p>14 BY MR. BLADUELL:</p> <p>15 Q. Mr. Linz, I marked an exhibit, 2, a copy of</p> <p>16 the report that you submitted in this case.</p> <p>17 Do you recognize the document?</p> <p>18 A. Yes, I do.</p> <p>19 Q. It is the report that you submitted?</p> <p>20 A. As best as I can tell, yes.</p> <p>21 Q. Can you go to the last few pages. Now</p> <p>22 those --</p> <p>23 A. Page 26?</p> <p>24 Q. Yeah, 26, 25. Now, those pages are --</p> <p>25 they're not complete; right? Something is cut off</p>
Page 14	Page 16
<p>1 protections of online"; "The Effects of Exposure to</p> <p>2 Virtual Child Pornography," by Paul and Linz;</p> <p>3 "Testing Supreme Court Assumptions in California v.</p> <p>4 la Rue"; "Effects of showing risk in beer</p> <p>5 commercials"; "Peep Show Establishments, Police</p> <p>6 Activity," Journal of Sex Research.</p> <p>7 Q. There's two of those; correct?</p> <p>8 A. Yes, one is a response to -- a response to</p> <p>9 my article.</p> <p>10 Q. Okay. Now, you mentioned multivariate</p> <p>11 statistics; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Can you describe what that is?</p> <p>14 A. Well, statistical techniques in which we</p> <p>15 attempt to predict an outcome of some sort on the</p> <p>16 basis of several variables, so that's the</p> <p>17 multivariate part. So, for example, we might be</p> <p>18 interested in crime, in predicting crime, and we</p> <p>19 may say, "Oh, crime can be predicted by variable 1,</p> <p>20 variable 2 and variable 3," and then the</p> <p>21 statistical techniques would be ones in which those</p> <p>22 multiple variables would be considered in relation</p> <p>23 to one another as predictors of some outcome such</p> <p>24 as crime.</p> <p>25 Q. Okay. Would you consider yourself an</p>	<p>1 in the margin.</p> <p>2 A. That appears to be the case.</p> <p>3 MR. BLADUELL: That's the way it was</p> <p>4 provided to us, so I will request to counsel to</p> <p>5 provide us an accurate copy of those.</p> <p>6 THE WITNESS: Yeah, this is --</p> <p>7 MR. BLADUELL: This is the Appendix B.</p> <p>8 THE WITNESS: This happens when you produce</p> <p>9 a document in PDF form. It cuts off the side.</p> <p>10 BY MR. BLADUELL:</p> <p>11 Q. Okay. Now, Mr. Linz, if we go to the first</p> <p>12 paragraph, the fourth sentence says, "My research</p> <p>13 focus has been on the effects of sexually oriented</p> <p>14 and violent entertainment upon human psychology and</p> <p>15 behavior and the effects of sexually related</p> <p>16 expression on adults and communities."</p> <p>17 Is that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Does that have to do with statistical</p> <p>20 analysis?</p> <p>21 A. Often times.</p> <p>22 Q. Okay. And how does that have to do with</p> <p>23 statistical analysis?</p> <p>24 A. Well, most of the research that I conduct</p> <p>25 is what I would refer to is empirical research in</p>

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1 which we've collected data on people's exposure to
2 pornography or the presence or absence of an adult
3 business in a community, and then its statistical
4 relationship to some outcome.

5 In the case of pornography research, maybe
6 we would be talking about attitudes and behavior
7 following the exposure to pornography. In the case
8 of adult businesses, we're looking at the
9 relationships, the statistical relationship between
10 the presence or absence of an adult business and
11 some indication of crime, some crime outcome. All
12 of that entails advanced -- or using advanced
13 statistical techniques.

14 Q. Okay. Now, when you study the effects of
15 sexually oriented material in human psychology, do
16 you actually also study the content of sexually
17 explicit material?

18 A. Yes.

19 Q. And how do you study the content?

20 A. Well, through the examination of previous
21 research reports that had been published in
22 peer-reviewed articles by others who have described
23 the content that they've used and experiments and
24 surveys or assessed in surveys, and then also
25 through my own research I have examined hundreds of

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1 thousands of pornographic images in order either to
2 understand what the field of pornography looks like
3 or to assemble my own materials for my experimental
4 and laboratory work.

5 Q. Okay. Have you published articles on the
6 actual content of the pornographic market?

7 A. Yes.

8 Q. And are those in your CV?

9 A. Yes, they are.

10 Q. Could you tell us which ones, and that's
11 going back to Exhibit No. 1.

12 A. I suppose we can begin with 1986.

13 Q. Which page?

14 A. Page 15 of the --

15 Q. 15.

16 A. -- which may include articles such as
17 Donnerstein and Linz 1986, Mass-media sexual
18 violence in male viewers --

19 Q. And --

20 A. -- Current theory and research, American
21 Behavioral Scientists. Going then to page 14 --

22 Q. I'm sorry, do you recall what was that
23 article about?

24 A. This article was assessing what we knew at
25 the time about the relationship between exposure to

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1 sexual violence in the media and it's effect on the
2 attitudes and beliefs of male viewers of that
3 material, and in that article we discuss the degree
4 to which or the prevalence or the possibility or
5 the problem associated with sexual violence in the
6 larger array of pornographic and non-pornographic
7 media images in society.

8 Q. Okay. You can continue.

9 A. Then 1987 on page 14 Linz, Penrod and
10 Donnerstein, "The Attorney General's commission on
11 pornography, the gap between findings and facts."

12 MR. MURRAY: Excuse me, where is that?

13 THE WITNESS: Page 14 on mine. I don't
14 know what it is on yours.

15 MR. BLADUELL: It should be the same.

16 MR. MURRAY: Are you talking about the last
17 one?

18 THE WITNESS: Yes.

19 MR. MURRAY: No, never mind. I see it.
20 I'm sorry.

21 THE WITNESS: Right, and the way that I
22 organize my vitae is to put at the end scholarly
23 publications that are reprinted, so that's where
24 I'm starting here.

25 MR. BLADUELL: Okay.

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1 THE WITNESS: But in any case, "The
2 Attorney General's Commission on pornography; The
3 gap between findings and fact," in the American Bar
4 Foundation Research Journal. Probably the next
5 would be --

6 BY MR. BLADUELL:

7 Q. And, I'm sorry, what -- can you describe
8 how you analyzed the actual content of pornographic
9 material for that study?

10 A. This would be a comment on the categories
11 that were devised by the Attorney General's
12 Commission in their attempt to define the
13 pornography environment, and my opinions about
14 whether or not certain forms or categories of
15 material do or do not affect human behavior and
16 attitudes and beliefs.

17 Q. But how many porn -- what was the quantity
18 of pornographic material that you had to evaluate
19 for that study?

20 A. For the 1987 study, by that time thousands
21 of pornographic images that had been in categories
22 considered by the Attorney General.

23 Q. And those thousands of pornographic images
24 were printed images?

25 A. In 1987 primarily printed images, but there

5 (Pages 17 to 20)

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<p>1 were computer tapes or there were VHS tapes as 2 well. 3 Q. This is -- this was not Internet 4 pornography; correct? 5 A. Well, there was very little access to what 6 we call the Internet at that time. 7 Q. Back then? Okay. 8 A. And if we move further, probably the next 9 would be Penrod, Donnerstein and Linz 1982, 10 "Scientific research on pornography and violence; 11 The implications for American law," in the Bulletin 12 of the British Psychological Society. 13 Q. And what was that about? 14 A. That would be about the research that had 15 been conducted by -- in our laboratory as well as 16 others on primarily the effects of violent 17 pornography in the media or violent images that 18 were not necessarily pornographic. 19 But next would be on page 13, Penrod and 20 Linz 1984, "Using psychological research on violent 21 pornography to inform legal change," and then Linz, 22 Turner, Hesse 1984, "Bases of liability for 23 injuries produced by media portrayals of violent 24 pornography," and then Donnerstein and Linz 1984, 25 "Sexual violence in the media; A warning in</p>	<p>1 Q. I'm not sure where -- 2 A. That is the last by Yao -- 3 Q. Okay. And this was in 2009; correct? 4 A. That is correct. 5 Q. And what content did you review there? 6 A. Well, there we were primarily looking at 7 the ways in which video games portrayed sexually 8 explicit material. In videogames -- 9 Q. Okay. So it would not be actual people; 10 correct? 11 MR. MURRAY: Excuse me, shouldn't you let 12 him finish his answer before you begin another 13 question? 14 MR. BLADUELL: You can answer. 15 THE WITNESS: Videogames can and cannot 16 involve actual actors or representations of actors, 17 that is all. 18 BY MR. BLADUELL: 19 Q. Okay. How can they involve actual people? 20 A. Well, for example, there is a video game 21 that I was just reviewing yesterday having to do 22 with 1949 Los Angeles new law crime, and I noticed 23 that the same actor in that video is also an actor 24 on Madmen, so there's a crossover between 25 personalities that appear in -- and it's a</p>
Page 22	Page 24
<p>1 psychology today." 2 Linz, Donnerstein and Penrod, "The effects 3 of multiple exposures to filmed violence against 4 women in the journal of communication." 5 Q. So for each of these you're saying that you 6 actually reviewed -- 7 A. Thousands, thousands of pornographic 8 images. 9 Q. Okay. 10 A. Donnerstein and Linz 1986, December, "The 11 question of pornography; It is not sex but violence 12 that's an obscenity in our society," and that's in 13 Psychology Today. Donnerstein and Linz 1986, "Mass 14 media sexual violence and male viewers; Current 15 theory research." 16 Q. Okay. Why don't we move to the first few 17 pages of your publications to get more -- some of 18 the more recent. 19 A. I'm sorry I'm so old, Counselor. 20 Q. Okay. So if we are on page 6 -- or, I'm 21 sorry, page 5, did any of these publications 22 involve your reviewing thousands of pornographic 23 images? 24 A. On page 5, "Sexual priming, gender 25 stereotyping and likelihood to sexually harass" --</p>	<p>1 virtually identical rendering, the personalities 2 that appear in the media and -- in other media 3 genres and video games. 4 Q. And in these videogames, are the people 5 involved actually having sexual intercourse? 6 A. Well, I don't think that it is the case 7 that in any depiction people are actually having 8 sexual intercourse. It's a graphic -- 9 Q. Simulation? 10 A. -- representation of a form of electrons of 11 people having sexual intercourse. 12 Q. Okay. 13 A. So in the case of video games, sometimes 14 it's a simulation that attempts to look real, and 15 other times it's a fantasy, and, you know. 16 Q. Okay. So if we move to page 6. 17 A. Well, I should also say on page 5. 18 Q. Sure. 19 A. -- the Byrne, et al., article 2013, 20 "Predators, porn and peers," I undertook a vast 21 examination of pornography or to understand what 22 children might come across -- 23 Q. And what -- 24 A. -- throughout -- you know, through a 25 general search of the Internet.</p>

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1 Q. Okay. What sites did you review?

2 A. Well, I generally start with Porn Hub, and
3 then move from there.

4 Q. What is Porn Hub?

5 A. Porn Hub is a collection of pornographic
6 sites on the Internet that specialize in providing
7 at least the first tier free access to pornographic
8 material. So in the case of something like the
9 Byrne, et al., article, in order for us to make a
10 statement about parents and their concern regarding
11 children's exposure to potentially risky Internet
12 images, I would examine thousands of possible
13 images.

14 Q. And Porn Hub, and what other sites?

15 A. I would start with Porn Hub, and then one
16 can visit hundreds of other sites as a result of
17 beginning in that area or beginning in that Web
18 page.

19 Q. Okay.

20 A. So other research and writing in which I
21 would have examined pornographic material might
22 then include Hald, et al., 2003 -- or even, I'm
23 sorry, we didn't go up to Malamuth, Linz and Weber
24 2013, "The Internet and Aggression Motivation,
25 Disinhibitory and Opportunity Aspects"; Hald and

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1 effects that that content would have on viewers;
2 correct?

3 A. That is correct. And so, for example, I'm
4 very interested in the Paul and Linz study in 2008,
5 "The Effects of Exposure to Virtual Child
6 Pornography." In examining as many materials as I
7 possibly could involving the genre of barely 18 or
8 barely legal pornography.

9 Q. I'm sorry, could you repeat which one was
10 that.

11 A. That's Paul and Linz --

12 Q. 2008?

13 A. That is correct, "The Effects of Exposure
14 to Virtual Child Pornography."

15 Q. "On Viewer Cognitions and Attitudes that
16 were Deviant Sexual Behavior"?

17 A. That is correct.

18 Q. Communication Research 35, parentheses, 1;
19 correct?

20 A. Correct.

21 Q. Okay. Can you describe what the objective
22 of that study was?

23 A. The objective of the study was to test the
24 assumptions made by the Supreme Court, or at least
25 alluded to by the Supreme Court, about the effects

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1 Seaman and Linz, "Sexuality and Pornography," and
2 that is in the APA Educational Psychology Handbook.

3 MR. MURRAY: What year?

4 THE WITNESS: That is 2013.

5 Seaman and Linz 2011, "Indecency in the
6 21st Century"; Rudy, et al., 2011, "Contributions
7 to the content analysis of gender roles"; Seaman
8 and Linz 2010 -- although, let me withdraw that.
9 I'm not so sure I examined any images there, but
10 certainly for Rudy, Popova and Linz 2010, "The
11 Context of Current Content Analysis of Gender
12 Roles." Now, that's page 5.

13 2009 -- Linz 2009 on page 6, "Pornography
14 is not addictive and does not lead to violence
15 against women"; Paul and Linz 2008, "The Effects of
16 Exposure to Virtual Child Pornography"; Linz 2007,
17 "Pornography, Effects of exposure to," the
18 Encyclopedia of Psychology and Law; Linz, Paul, Yao
19 2006, "Peepshow Establishments, Police Activity,
20 Public Place and Time," Journal of Sex Research.

21 Q. Okay. In the ones that you have mentioned,
22 Mr. Linz, did you undertake to quantify the amount
23 of young people versus the amount of old people?

24 A. No, I did not.

25 Q. You reviewed the content to study the

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1 of exposure to pornography in which the models or
2 model were made to look as if they were relatively
3 young. We were interested in the extent to which
4 exposure to that kind of material had an effect on
5 people's attitudes about the acceptance of child
6 pornography and the degree to which they would
7 associate pornography with that form of pornography
8 with youthful images of females.

9 Q. And what Web sites did you review for that?

10 A. I don't recall exactly, but I can tell you
11 it was hundreds of Web sites.

12 Q. Hundreds of Web sites?

13 A. Hundreds, yes.

14 Q. Do you know any titles?

15 A. The most prevalent at that time was, in
16 fact, a site called "Barely Legal."

17 Q. Barely Legal? Okay.

18 And that was research on Internet
19 pornography; correct?

20 A. Yes.

21 Q. Now, since 2008, has there been a big
22 change in Internet pornography?

23 A. By big change, if you mean --

24 MR. MURRAY: Excuse me, I want to object to
25 that question, but go ahead.

7 (Pages 25 to 28)

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<p style="text-align: right;">Page 29</p> <p>1 THE WITNESS: What do you mean by big 2 change? 3 BY MR. BLADUELL: 4 Q. Well, what do you understand by big 5 change? 6 MR. MURRAY: Objection. 7 THE WITNESS: What I understand by big 8 change is what I refer to always is the compared- 9 to-what question. Establish for me some baseline, 10 and then I might say that there has or has not been 11 a change, and I may have a reliable method for 12 indexing that or not. 13 BY MR. BLADUELL: 14 Q. Okay. Do you think there has been a change 15 in Internet pornography from 2008 to 2013? 16 MR. MURRAY: Objection. 17 THE WITNESS: Again, I mean, we have to 18 establish the baseline, the change with regard to 19 what at what point. 20 BY MR. BLADUELL: 21 Q. Well, let's say has there been a big change 22 from 2008 to 2013 in the amount of Internet 23 pornography? 24 MR. MURRAY: Objection. 25 THE WITNESS: Has there been a big change</p>	<p style="text-align: right;">Page 31</p> <p>1 pornography from 2008 -- 2 A. In free -- 3 Q. -- free pornography from 2008 to 2013? 4 MR. MURRAY: Objection to the form of that 5 question. 6 BY MR. BLADUELL: 7 Q. Okay. Have you noticed in your studies an 8 increase in free pornographic sites available on 9 the Internet? 10 MR. MURRAY: Objection. 11 THE WITNESS: I said that I have not 12 specifically studied the increase in free sites 13 versus paid sites in the pornography market, so 14 it's difficult for me to answer that question. 15 BY MR. BLADUELL: 16 Q. So during your studies of the Internet 17 pornography of Internet pornography, you have not 18 noticed an increase in free sites -- 19 MR. MURRAY: Objection. 20 MR. BLADUELL: -- from 2008 to 2013; 21 correct? 22 MR. MURRAY: Objection. 23 THE WITNESS: No, I'm not saying that. I'm 24 saying that I have not specifically looked at paid 25 versus free sites --</p>
<p style="text-align: right;">Page 30</p> <p>1 in the amount? 2 MR. BLADUELL: Yes. 3 THE WITNESS: Well, it's a comparative 4 question in my mind. What percentage of the Web is 5 devoted to pornography of any sort or sexual 6 depictions of any sort, has that percentage 7 changed? 8 BY MR. BLADUELL: 9 Q. Okay. Has there been more sexually 10 explicit images from 2008 to 2013 available on the 11 Internet? 12 MR. MURRAY: Objection. 13 THE WITNESS: My assumption is that there 14 has been a vast increase due primarily to personal 15 postings of sexually explicit material. 16 BY MR. BLADUELL: 17 Q. Okay. During your studies, have you 18 noticed more images available, sexually explicit, 19 available since 2008 to 2013? 20 MR. MURRAY: Objection. 21 THE WITNESS: I do not know if there are 22 more images available. I know that images are 23 easily attainable. 24 BY MR. BLADUELL: 25 Q. Okay. Have you noticed an increase in free</p>	<p style="text-align: right;">Page 32</p> <p>1 MR. BLADUELL: Okay. 2 THE WITNESS: -- in order to determine -- 3 MR. BLADUELL: Okay. 4 THE REPORTER: Hold on. You're talking 5 over him. 6 THE WITNESS: In order to determine if 7 there's been a relative increase in paid versus 8 free. 9 BY MR. BLADUELL: 10 Q. Now, I understand you have not studied 11 this, but during your study of the Internet 12 pornography, have you noticed an increase in free 13 pornographic sites between 2008 and 2013? 14 MR. MURRAY: Objection. 15 THE WITNESS: Again, the way that I would 16 study this question or this problem would be to 17 find some sort of baseline and make a comparison. 18 Have I taken a 2008 measurement of free versus 19 paid, and then compared that to 2013, no, I have 20 not. 21 BY MR. BLADUELL: 22 Q. Okay. So are you saying that because you 23 have not -- you didn't calculate the amount of free 24 sites in 2008, you cannot opine on whether there 25 has been an increase from 2008 to 2013 in the</p>

8 (Pages 29 to 32)

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1 amount of free pornographic sites?

2 A. No, I'm not saying I can't opine on it. I
3 am saying I have not conducted a formal study on
4 that --

5 Q. What is your opinion about --

6 A. -- my opinion would be based on my personal
7 observation.

8 Q. Correct, that's what I'm interested in.

9 A. But that personal observation does not
10 allow me to come to a conclusion about increase
11 because I need to find some sort of comparative
12 point. I have not engaged in that.

13 Q. Okay. So what is your personal
14 observation?

15 A. My personal observation --

16 MR. MURRAY: Hold on one second.

17 Objection. You got to give me a chance to object,
18 so let him finish the question. Before you begin
19 to answer, give me one second, please.

20 THE WITNESS: I'm sorry.

21 MR. MURRAY: Objection.

22 Now go ahead and answer the question.

23 THE WITNESS: I'm sorry.

24 My impression is that -- that the number of
25 free sites have been more well-organized recently

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1 into central locations such as Porn Hub. That
2 gives me the impression that there are many free
3 depictions of pornography available. Whether or
4 not that is a percent of relative increase over the
5 last five years is an empirical question.

6 BY MR. BLADUELL:

7 Q. Okay. Now, have you studied the -- have
8 you noticed an increase in youthful looking
9 performers from 2008 to 2013 in Internet
10 pornography?

11 MR. MURRAY: Objection.

12 THE WITNESS: If that increase -- if you're
13 referring to what I consider to be the perhaps
14 percentage of such depictions relative to the rest,
15 no, I have not noticed a change in the percentage.

16 BY MR. BLADUELL:

17 Q. So if I understand correctly, you're saying
18 that your opinion is the number of young-looking
19 performers in Internet pornography from 2008 to
20 2013 has remained relatively flat?

21 MR. MURRAY: Objection.

22 BY MR. BLADUELL:

23 Q. You can answer.

24 A. I have no reason to assume that the
25 proportion has changed.

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1 Q. Okay. Have you conducted any studies on
2 the proportion of young and youthful looking people
3 in Internet pornography?

4 A. Aside from the calculations that I
5 performed in this report, no, I have not.

6 Q. In this report you mean the report that you
7 submitted for this litigation; correct?

8 A. That is correct.

9 Q. And is this report that you submitted,
10 which is marked as Exhibit 2, I believe, this
11 report is the first time that you have tried to
12 quantify the amount of young-looking individuals in
13 the pornography market --

14 A. Yes.

15 Q. -- is that correct?

16 A. That is correct.

17 Q. If we go back to Exhibit No. 2, your
18 report, you list one of the publications, Linz and
19 Imrich 2001 "Child Pornography." Do you see that?

20 A. Yes, yes, I do.

21 Q. Could you explain what that publication was
22 about?

23 A. This is a chapter in a book entitled
24 "Handbook of Law and Social Science, colon, Youth
25 and Justice," edited by Susan White in which I was

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1 asked to write a chapter on the current state of
2 research social sciences on child pornography.

3 Q. Okay. And what was your opinion -- I'm
4 sorry, what was the opinion that you expressed in
5 that article?

6 MR. MURRAY: Objection.

7 THE WITNESS: Well, I expressed many
8 opinions as I recall. I would have to review the
9 article in order to be comprehensive about those
10 opinions.

11 BY MR. BLADUELL:

12 Q. If you had to give a paragraph description
13 of the article, what would it be?

14 A. I would say I surveyed the extent to which
15 pornography and child pornography was a problem in
16 American society. I tried to assess the research
17 on the relationship between participation in child
18 pornography and other outcomes of abuse, I tried to
19 assess the state of law enforcement activities
20 associated with the discovery of and prosecution of
21 child pornography, and then attempted to describe
22 for the reader current theoretical developments in
23 the area of psychology, which may be related to
24 both predicting who might be interested in child
25 pornography and then what the effects of such

9 (Pages 33 to 36)

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<p>1 exposure would be.</p> <p>2 Q. Okay. For that publication, did you</p> <p>3 research how child pornography was distributed?</p> <p>4 A. Yes.</p> <p>5 Q. And what was your opinion about how it was</p> <p>6 distributed at that time?</p> <p>7 A. At the time, I was impressed by the fact</p> <p>8 that a great deal of pornography seemed -- of child</p> <p>9 pornography that came to the attention of law</p> <p>10 enforcement seemed to be transmitted through the</p> <p>11 postal service and that that was a primary means</p> <p>12 for engaging in child pornography investigations,</p> <p>13 and then ultimately in the apprehension of a</p> <p>14 suspect who might be involved in the consumption or</p> <p>15 production of such pornography.</p> <p>16 The other source as I recall was the</p> <p>17 sharing of child pornography through peer-to-peer</p> <p>18 as they're known, P-to-P, networks, although that</p> <p>19 is now 13 years earlier, and I don't recall exactly</p> <p>20 how much of that was peer-to-peer at the time.</p> <p>21 Primarily, law enforcement had been</p> <p>22 involved in postal service communication of -- or</p> <p>23 communication of child -- distribution of child</p> <p>24 pornography through the postal service.</p> <p>25 Q. Okay. Since 2001 have you conducted other</p>	<p>1 where a judge had to determine whether he could</p> <p>2 testify?</p> <p>3 MR. BLADUELL: Correct.</p> <p>4 MR. MURRAY: Okay.</p> <p>5 BY MR. BLADUELL:</p> <p>6 Q. Does that change --</p> <p>7 A. Well, as opposed to a situation where I</p> <p>8 would submit a report, I may revise that, then, to</p> <p>9 20 cases in which the judge has agreed that I</p> <p>10 should testify, 20 to 25.</p> <p>11 Q. Did any of those cases deal with the</p> <p>12 prevalence of young-looking performers in the</p> <p>13 pornography market?</p> <p>14 A. Not explicitly.</p> <p>15 Q. Okay. Could you explain what you mean by</p> <p>16 that?</p> <p>17 A. Well, there's always in that -- the area of</p> <p>18 adult performances in the community, there's always</p> <p>19 a concern about the age of performers, so that is a</p> <p>20 topic that frequently is discussed.</p> <p>21 Q. But you didn't opine on the quantity of</p> <p>22 young-looking performers in pornographic material</p> <p>23 in general --</p> <p>24 A. No, I did not.</p> <p>25 Q. -- correct? Or -- and you also didn't</p>
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<p>1 studies about how child pornography is distributed?</p> <p>2 A. Well, in preparation for this report, I</p> <p>3 have reviewed other studies about the distribution</p> <p>4 of child pornography, and I reference those in this</p> <p>5 report.</p> <p>6 Q. Okay. But have you published peer-reviewed</p> <p>7 publications on the distribution of child</p> <p>8 pornography?</p> <p>9 A. No, I have not.</p> <p>10 Q. Okay. So the only time that you've</p> <p>11 recently reviewed materials about distribution of</p> <p>12 child pornography was to write the report that you</p> <p>13 submitted in this case; correct?</p> <p>14 A. Well, most recently, yes.</p> <p>15 Q. Mr. Linz, you said that you were qualified</p> <p>16 as an expert in cases dealing with the effects of</p> <p>17 adult establishments; correct?</p> <p>18 A. That is correct.</p> <p>19 Q. And how many cases have you been qualified</p> <p>20 as an expert for that purpose?</p> <p>21 A. I would say probably 35 cases.</p> <p>22 Q. 35 cases?</p> <p>23 MR. MURRAY: Just so we're clear on that,</p> <p>24 by qualifying as an expert, the underlying</p> <p>25 assumption is that it actually got to the point</p>	<p>1 opine on the prevalence of child pornography on the</p> <p>2 Internet in those cases; correct?</p> <p>3 A. That is correct.</p> <p>4 Q. You have never been qualified as an expert</p> <p>5 by a court on the prevalence of child pornography</p> <p>6 online; correct?</p> <p>7 MR. MURRAY: Objection.</p> <p>8 THE WITNESS: I don't know the answer to</p> <p>9 that question. I have been qualified as an expert</p> <p>10 according to the qualifications that I've listed in</p> <p>11 paragraph 1, page 1 of my report in Exhibit 2 and</p> <p>12 those --</p> <p>13 MR. BLADUELL: Let me --</p> <p>14 THE WITNESS: -- those questions have --</p> <p>15 those qualifications have been --</p> <p>16 BY MR. BLADUELL:</p> <p>17 Q. That's not what I mean. Have you been</p> <p>18 qualified as an expert by a court to offer expert</p> <p>19 testimony in a case about the prevalence of child</p> <p>20 pornography online?</p> <p>21 MR. MURRAY: Objection, it assumes a fact</p> <p>22 that hasn't been established.</p> <p>23 MR. BLADUELL: I'm sorry. Okay.</p> <p>24 Q. Mr. Linz, have you been qualified as an</p> <p>25 expert to provide expert testimony in a court about</p>

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<p>1 the prevalence of child pornography?</p> <p>2 A. No.</p> <p>3 Q. Have you been qualified by a court as an</p> <p>4 expert to offer testimony on the prevalence of</p> <p>5 young-looking performers in pornography?</p> <p>6 MR. MURRAY: Objection.</p> <p>7 THE WITNESS: No, I have not.</p> <p>8 BY MR. BLADUELL:</p> <p>9 Q. Okay. Mr. Linz, how did you get involved</p> <p>10 in this case?</p> <p>11 A. In this case?</p> <p>12 Q. Yes.</p> <p>13 A. I was approached by Mr. Murray who</p> <p>14 indicated to me that there was an interesting</p> <p>15 constitutional problem associated with overbreadth</p> <p>16 and --</p> <p>17 MR. MURRAY: Hold on one second.</p> <p>18 MR. BLADUELL: I'm sorry, Counsel, he has</p> <p>19 to answer -- you cannot answer --</p> <p>20 MR. MURRAY: There's a privilege and work-</p> <p>21 product issue here.</p> <p>22 MR. BLADUELL: Do you have an objection?</p> <p>23 MR. MURRAY: I'm going to instruct the</p> <p>24 witness not to disclose conversations that he had</p> <p>25 with me, unless they are appropriate under Rule 26,</p>	<p>1 the constitutional questions were. Mr. Murray and</p> <p>2 I then did not talk about this until again two</p> <p>3 months I suppose or two and a half months when he</p> <p>4 asked me to write this report.</p> <p>5 Q. Okay. And what were you asked to do?</p> <p>6 A. Well, I was asked, as I indicate on page 2</p> <p>7 of the report, to express opinions on what I list</p> <p>8 in paragraph 4, section --</p> <p>9 Q. Exhibit No. 2?</p> <p>10 A. Yeah, Exhibit No. 2, paragraph 4 of a</p> <p>11 section entitled "Expert Qualifications," I've been</p> <p>12 asked by attorney Michael Murray to express</p> <p>13 opinions on, and then I have listed A through E</p> <p>14 opinions.</p> <p>15 Q. What documents were provided to you for</p> <p>16 your analysis?</p> <p>17 A. Provided to me by Mr. Murray?</p> <p>18 Q. Correct.</p> <p>19 A. I would have to go back and check perhaps,</p> <p>20 but I'm sure I was provided with a copy of what</p> <p>21 2257 and 2257A of the Federal Code said. I had</p> <p>22 probably asked for --</p> <p>23 Q. I'm sorry, when you say that, do you mean</p> <p>24 the actual statute?</p> <p>25 A. Yes, I was probably -- as I recall, I</p>
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<p>1 because, as you know, under Rule 26 the work</p> <p>2 product doctrine now protects communications</p> <p>3 between the lawyer and an expert witness, and I</p> <p>4 want to make sure that he doesn't cross that line.</p> <p>5 MR. BLADUELL: Okay. Are you instructing</p> <p>6 him not to answer the question?</p> <p>7 MR. MURRAY: No, he's already answered the</p> <p>8 question. What I'm instructing him to do is to not</p> <p>9 disclose conversations that he and I had that are</p> <p>10 work product as opposed to information that was</p> <p>11 provided to him that he relied upon for his report.</p> <p>12 MR. BLADUELL: Okay.</p> <p>13 MR. MURRAY: And you understand.</p> <p>14 MR. BLADUELL: Yes. Okay.</p> <p>15 Q. You can continue, Mr. Linz.</p> <p>16 A. Well, I was -- I was approached by</p> <p>17 Mr. Murray who indicated to me there was an</p> <p>18 interesting constitutional question having to do</p> <p>19 with overbreadth or the doctrine of overbreadth.</p> <p>20 Q. When was this approach made?</p> <p>21 A. We originally had conversations about this</p> <p>22 so-called 2257 several years ago, maybe 2010.</p> <p>23 Q. Okay.</p> <p>24 A. And those were phone conversations in which</p> <p>25 we talked about the rulings at the time and what</p>	<p>1 received a copy of that. I would have asked for</p> <p>2 and I assume that I received a copy of the Supreme</p> <p>3 Court decisions involving the Free Speech Coalition</p> <p>4 and --</p> <p>5 Q. Do you remember which ones?</p> <p>6 A. No, I do not.</p> <p>7 Q. Or how many?</p> <p>8 A. No, I do not, but I would generally ask</p> <p>9 Mr. Murray for all court decisions that -- in this</p> <p>10 area so that I might understand what the legal</p> <p>11 issues are as best as I can.</p> <p>12 And then I may have asked for and been</p> <p>13 provided with the documents that had been used as</p> <p>14 evidence in court. You know, for example, other</p> <p>15 amici briefs or something of that nature, I just --</p> <p>16 I don't recall if that was given, but that would</p> <p>17 generally be my request.</p> <p>18 Q. Any articles provided to you?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Any studies?</p> <p>21 A. No. The -- no, no studies were provided.</p> <p>22 The material at the back here, this partially I</p> <p>23 Xeroxed. The entire Appendix B was provided by</p> <p>24 legal assistant in Mr. Murray's office.</p> <p>25 Q. So the Appendix B the way it is written</p>

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<p>1 here in your report --</p> <p>2 A. No, no, they provided me with one that</p> <p>3 looked better than this. This is my error because</p> <p>4 I translate -- this was in a -- this is a document</p> <p>5 that we've been working with in Power Point as I</p> <p>6 recall, but Power Point does not do such a good in</p> <p>7 a spreadsheet and -- Excel rather and the</p> <p>8 spreadsheet does not translate well into a PDF.</p> <p>9 PDF tends to cut it off.</p> <p>10 Q. So when you say that you were provided this</p> <p>11 document, what do you mean?</p> <p>12 A. I mean that I was provided with the</p> <p>13 spreadsheet which tallied these total numbers of</p> <p>14 visitors per month, for example, on these various</p> <p>15 sites.</p> <p>16 Q. So you didn't conduct the actual</p> <p>17 calculation of the number of visitors to these</p> <p>18 sites; correct?</p> <p>19 A. Did I run the computer program? No, I did</p> <p>20 not.</p> <p>21 Q. Okay. Did you access any of these sites?</p> <p>22 A. Yes, I have accessed --</p> <p>23 Q. Let me --</p> <p>24 A. -- several of the sites in order to</p> <p>25 determine generally what the content is.</p>	<p>1 A. Of which sites?</p> <p>2 Q. How many of these Web sites did you access</p> <p>3 to review their content?</p> <p>4 A. Approximately five. Ashley Madison I</p> <p>5 reviewed, for example, Pornhub I've reviewed, Adult</p> <p>6 Space as I recall.</p> <p>7 Q. Adult Space is on what page?</p> <p>8 A. Page 22.</p> <p>9 Q. Okay.</p> <p>10 A. Second down. Let's Bang perhaps.</p> <p>11 Q. Perhaps meaning you're not sure?</p> <p>12 A. I, kind of, recall looking at that one --</p> <p>13 Q. Before -- is that before you submitted the</p> <p>14 report?</p> <p>15 A. Yes, and Pornhub I may might have mentioned</p> <p>16 that, Redtube, LiveJasmin, Xtube, Youporn,</p> <p>17 Spankwire, Tube8, Keez Movies, I believe I looked</p> <p>18 at EskimoTube also because I have an interest in</p> <p>19 the Arctic.</p> <p>20 Q. Okay. But when you accessed these Web</p> <p>21 sites, did you check the numbers that are provided</p> <p>22 for each were correct?</p> <p>23 A. No, I did not.</p> <p>24 Q. Okay. So besides the legal opinions, the</p> <p>25 statutes and this Appendix B, were you provided</p>
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<p>1 Q. But when it says here Access 3, let's take</p> <p>2 the first one, Adult Friend Finder, do you see</p> <p>3 that?</p> <p>4 A. Yes, I do.</p> <p>5 Q. And it says "Access 3813"; correct? Do you</p> <p>6 see the first one says --</p> <p>7 A. Adult --</p> <p>8 Q. -- 3813?</p> <p>9 A. That is correct.</p> <p>10 Q. Was that the date that you accessed it?</p> <p>11 A. That was the date that the legal assistant</p> <p>12 in Mr. Murray's office accessed it.</p> <p>13 Q. Okay. And how do you know that that's the</p> <p>14 date that the legal assistant accessed it?</p> <p>15 A. That's what was communicated to me by --</p> <p>16 Q. So you don't know if the legal assistant</p> <p>17 accessed it; correct?</p> <p>18 A. Did I see the legal assistant do it, no, I</p> <p>19 did not.</p> <p>20 Q. Okay. And did you verify these numbers of</p> <p>21 unique visitors per month?</p> <p>22 A. Did I cross-check each of these numbers,</p> <p>23 no, I did not.</p> <p>24 Q. Now, how many of these sites did you access</p> <p>25 to review the content?</p>	<p>1 with any other documents?</p> <p>2 A. Not that I can recall, no.</p> <p>3 Q. The studies by Ms. Wolak that you mentioned</p> <p>4 in your report, were those provided to you by</p> <p>5 counsel?</p> <p>6 A. No, those were not. For example, the</p> <p>7 Wolak, et al., study in 2005, I found that study</p> <p>8 through my research.</p> <p>9 Q. Besides counsel, did you talk to anyone</p> <p>10 else about the opinions that you would give in this</p> <p>11 case?</p> <p>12 A. Yes, I talked to my research assistant,</p> <p>13 Samantha Powers.</p> <p>14 Q. Anyone else?</p> <p>15 A. No.</p> <p>16 MR. MURRAY: And by the way, just so the</p> <p>17 record is clear, he did mention earlier that we</p> <p>18 gave him the two expert reports.</p> <p>19 MR. BLADUELL: Okay.</p> <p>20 MR. MURRAY: I want the record to be</p> <p>21 clear --</p> <p>22 THE WITNESS: But I didn't receive those</p> <p>23 until after I had written my report.</p> <p>24 BY MR. BLADUELL:</p> <p>25 Q. Mr. Linz, how long did it take you to</p>

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<p style="text-align: right;">Page 49</p> <p>1 complete the report?</p> <p>2 A. My estimate is it took about 23 hours, or</p> <p>3 maybe 23.5 hours.</p> <p>4 Q. Are you familiar with the Free Speech</p> <p>5 Coalition?</p> <p>6 A. Yes, I am.</p> <p>7 Q. What do you know about the Free Speech</p> <p>8 Coalition?</p> <p>9 A. Well, my understanding is that it's an</p> <p>10 organization that represents a variety of producers</p> <p>11 of adult and non-adult material who are concerned</p> <p>12 about representing publishers' interest in the</p> <p>13 rules that are made by governments associated with</p> <p>14 the distribution of sexually explicit and</p> <p>15 non-sexually explicit images.</p> <p>16 Q. When did you first become aware of the Free</p> <p>17 Speech Coalition?</p> <p>18 A. It was many, many years ago, 10 years ago</p> <p>19 perhaps. There was a Supreme Court case involving</p> <p>20 the Free Speech Coalition as I recall, that was of</p> <p>21 great interest to me. There was -- it is an</p> <p>22 organization that I am familiar with because of</p> <p>23 frequent contributions from their -- the president</p> <p>24 Jeffrey Douglas who often times will write or post</p> <p>25 things on the Internet associated with</p>	<p style="text-align: right;">Page 51</p> <p>1 actually perform these searches; correct?</p> <p>2 A. No. The search is performed under my</p> <p>3 supervision through Jeffrey Douglas.</p> <p>4 Q. And what steps did you take to supervise</p> <p>5 these searches?</p> <p>6 A. He and I agreed on a set of search terms.</p> <p>7 He then asked his assistant to run these through</p> <p>8 the traditional means of establishing a Google</p> <p>9 search, that is to say not looking at any of the</p> <p>10 specialized scholarly articles that could be</p> <p>11 searched.</p> <p>12 Q. So a legal assistant performed these</p> <p>13 searches; correct?</p> <p>14 A. I don't know that it was a legal assistant,</p> <p>15 but it was an assistant --</p> <p>16 Q. Of Jeffrey Douglas?</p> <p>17 A. -- employed by Jeffrey Douglas, yes.</p> <p>18 Q. And then she provided --</p> <p>19 A. I do know that it's a she, but --</p> <p>20 Q. Okay. That is true. The assistant</p> <p>21 provided this printouts of the searches to you?</p> <p>22 A. Well, then these were provided to me</p> <p>23 through Jeffrey Douglas.</p> <p>24 Q. Okay. And when you say "these," you mean</p> <p>25 the printouts that appear in this report?</p>
<p style="text-align: right;">Page 50</p> <p>1 constitutional questions the Free Speech Coalition</p> <p>2 is interested in, so I can't give you an exact</p> <p>3 date, but for certainly 10 years I've been aware of</p> <p>4 this organization.</p> <p>5 Q. Have you been in contact with Mr. Jeffrey</p> <p>6 Douglas?</p> <p>7 A. Yes, I have.</p> <p>8 Q. And what is the nature of your</p> <p>9 interactions?</p> <p>10 A. Mr. Douglas and I collaborated on the</p> <p>11 collection of the Google searches that are</p> <p>12 presented in my appendix.</p> <p>13 Q. Okay. The appendix to the report --</p> <p>14 A. To the report, yeah. I'm trying to get to</p> <p>15 the page. I'm sorry.</p> <p>16 Q. It's page 10.</p> <p>17 A. That is correct, because page 9 happens to</p> <p>18 be -- yes, Appendix A on page 10.</p> <p>19 Q. So what was Mr. Douglas' involvement in</p> <p>20 conducting the Google searches?</p> <p>21 A. Mr. Douglas and I agreed on a set of search</p> <p>22 terms which were then undertaken by a legal</p> <p>23 assistant or an associate of the Free Speech</p> <p>24 Coalition.</p> <p>25 Q. So you didn't actually -- you didn't</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes.</p> <p>2 Q. And did you see the other pages of the</p> <p>3 searches?</p> <p>4 A. Did I see all of the pages of the</p> <p>5 searches?</p> <p>6 Q. Yeah.</p> <p>7 A. No, because there are literally thousands</p> <p>8 of pages.</p> <p>9 Q. So you saw -- let's say for the Appendix A</p> <p>10 the search for MILF, is this all that you saw, this</p> <p>11 page that is here?</p> <p>12 A. For that search, yes.</p> <p>13 Q. Okay. And --</p> <p>14 A. And then what doesn't reproduce so well</p> <p>15 here is the -- I don't know if you can see these</p> <p>16 numbers, though, at the top.</p> <p>17 Q. Yeah, but there were many other pages that</p> <p>18 came out --</p> <p>19 A. That I did not see, that is correct.</p> <p>20 Q. Okay. Did you verify these numbers -- it</p> <p>21 says here in Appendix A about 454,000,000 results;</p> <p>22 correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Now, did you type the word "MILF" --</p> <p>25 A. No, I did not.</p>

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<p>1 Q. -- on Google to verify that?</p> <p>2 A. No, I did not.</p> <p>3 Q. Okay. And now we also have a search for</p> <p>4 teen "pron" on page 11, a search for child "pron"</p> <p>5 in 12, a search for kid "pron" in 13, a search for</p> <p>6 teen porn in 14, a search for porn, comma, 18-year-</p> <p>7 old on 15, a search for porn in 16, a search for</p> <p>8 porno in 17, a search for sex "pics" in 18, a</p> <p>9 search for porn on page 19, and a search for porn,</p> <p>10 comma, sex on page 20.</p> <p>11 A. That is correct.</p> <p>12 Q. Did I read that accurately?</p> <p>13 A. Yes, you did.</p> <p>14 Q. Okay. For any of these searches, did you</p> <p>15 verify the number of hits yourself?</p> <p>16 A. No, I did not.</p> <p>17 Q. Did you see any other pages besides the one</p> <p>18 that are included here?</p> <p>19 A. No, I did not.</p> <p>20 Q. Now, before -- I'm sorry, besides your</p> <p>21 interactions with Mr. Jeffrey Douglas for this</p> <p>22 purpose of the Google searches, have you had any</p> <p>23 other interactions with members of the Free Speech</p> <p>24 Coalition?</p> <p>25 A. No, I have not.</p>	<p>1 to -- strike that.</p> <p>2 Have the Free Speech Coalition provided</p> <p>3 compensation to you to perform any studies?</p> <p>4 A. No, they have not.</p> <p>5 Q. So you have never received any money from</p> <p>6 the Free Speech Coalition before this case?</p> <p>7 A. No, I have not. I have not received any</p> <p>8 money in this case from the Free Speech Coalition.</p> <p>9 Q. I'm going to tag another exhibit, Exhibit</p> <p>10 No. 3. I'll provide one to Mr. Linz and one to</p> <p>11 counsel. I believe you've seen this.</p> <p>12 (Whereupon, Summarizing and Evaluating</p> <p>13 Studies and Reports that Examine Whether Adult</p> <p>14 Businesses Cause Adverse Secondary Effects was</p> <p>15 marked Exhibit 3 for identification.)</p> <p>16 BY MR. BLADUELL:</p> <p>17 Q. Mr. Linz, Exhibit No. 3 is a paper that I</p> <p>18 downloaded from the website entitled "Summarizing</p> <p>19 and Evaluating Studies And Reports That Examine</p> <p>20 Whether Adult Business Cause Adverse Secondary</p> <p>21 Effects" prepared on behalf of the Association of</p> <p>22 Club Executives and the Free Speech Coalition, and</p> <p>23 it says here on the first page, "Prepared by Robert</p> <p>24 Bruce McLaughlin and Daniel G. Linz, PhD --</p> <p>25 A. That is correct.</p>
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<p>1 Q. Have you had any other interactions with</p> <p>2 the leadership of the Free Speech Coalition?</p> <p>3 A. No, I have not.</p> <p>4 Q. Before this case, you haven't had any</p> <p>5 interactions with the Free --</p> <p>6 A. Yes, during the course of my career, I have</p> <p>7 periodically made presentations before the First</p> <p>8 Amendment Lawyers Association, and, as I recall,</p> <p>9 there had been several administrative officials</p> <p>10 associated with the -- with the Free Speech</p> <p>11 Coalition who I had met over the years.</p> <p>12 Q. Okay. Have you performed work for the Free</p> <p>13 Speech Coalition?</p> <p>14 A. No, I have not.</p> <p>15 Q. Have you made presentations for the Free</p> <p>16 Speech Coalition?</p> <p>17 A. Well, only indirectly in that I had been</p> <p>18 invited by the First Amendment Lawyers Association</p> <p>19 and made a presentation and Free Speech Coalition</p> <p>20 have been there and have listened to my</p> <p>21 presentations.</p> <p>22 Q. Have the Free Speech Coalition asked you to</p> <p>23 conduct any studies before?</p> <p>24 A. Not that I can recall.</p> <p>25 Q. Have the Free Speech Coalition asked you</p>	<p>1 Q. -- and Mike --</p> <p>2 A. Yao.</p> <p>3 Q. -- Yao; correct?</p> <p>4 A. Correct.</p> <p>5 MR. MURRAY: Excuse me one second, am I</p> <p>6 missing --</p> <p>7 MR. BLADUELL: It's only six pages.</p> <p>8 MR. MURRAY: Where is the rest of it? It</p> <p>9 looks like it stops in the middle of a sentence.</p> <p>10 MR. BLADUELL: Right. I'm only</p> <p>11 providing -- the exhibit is the first six pages of</p> <p>12 the paper.</p> <p>13 MR. MURRAY: I see.</p> <p>14 BY MR. BLADUELL:</p> <p>15 Q. Mr. Linz, did you prepare this report?</p> <p>16 A. Yes, I did.</p> <p>17 Q. And was this report prepared for the Free</p> <p>18 Speech Coalition?</p> <p>19 A. Yes, it was.</p> <p>20 Q. And when was this prepared?</p> <p>21 A. I would say approximately eight years ago.</p> <p>22 Q. Okay. Did you receive compensation from</p> <p>23 the Free Speech Coalition?</p> <p>24 A. No. As I recall, my conversation came</p> <p>25 through the ACE, Association of Club Executives.</p>

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1 Q. Okay. And where was -- what was the
2 involvement Free Speech Coalition in this report?

3 A. I know that the Free Speech Coalition was
4 very interested in presenting the findings of this
5 study, but I've never received any compensation
6 from the Free Speech Coalition.

7 Q. Okay. And was there someone from the ACE
8 that provided you compensation for this report?

9 A. That -- this report was organized through
10 the office of Bradley Schaeffer and through ACE
11 which may, my presumption is -- I'd have to go back
12 and look -- provided me with compensation. ACE is
13 a national organization.

14 Q. What is the relation between ACE and the
15 Free Speech Coalition?

16 A. I think that they are just mutually
17 interested in the issue of the regulation of adult
18 businesses and the content of adult images and
19 pornography.

20 Q. Okay. So are you sure that the Free Speech
21 Coalition did not provide you compensation for
22 this?

23 A. I cannot be sure that Free Speech Coalition
24 didn't pay ACE and ACE paid me, I just don't
25 recall. I have -- I was asked to prepare this

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1 report by Mr. Schaeffer, he and I then later
2 conferred after I had submitted this report, but I
3 do not recall but --

4 Q. I'm sorry, go ahead.

5 A. I do not recall receiving any compensation
6 from the Free Speech Coalition.

7 Q. And did you say that Mr. Schaeffer was an
8 official at ACE?

9 A. Mr. Schaeffer is an attorney who represents
10 a variety of concerns, and he is a member of, as I
11 recall, the board perhaps of ACE.

12 Q. Okay. Now, in this report your opinion is
13 that --

14 A. In which report? In the summarizing --

15 Q. Yes. Do you recall what opinion you gave
16 in this report?

17 MR. MURRAY: Objection, since you don't
18 give us the whole report, it's unfair, but go
19 ahead.

20 THE WITNESS: I offered many opinions in
21 this report. Generally, what I was interested in
22 was evaluating the quality of the evidence for
23 adverse secondary effects for adult businesses.

24 BY MR. BLADUELL:

25 Q. And you concluded that these establishments

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1 do not have the secondary effects that the
2 government claims they have; correct?

3 A. I conclude that many of the studies relied
4 on by the government are methodologically flawed,
5 and, therefore, the conclusions the government
6 comes to are not necessarily valid ones, and I also
7 conclude that research that we and others have
8 conducted show no relationship between the presence
9 of adult businesses and crime and/or other
10 secondary effects in the community, and I conclude
11 that -- I think that that's the primary two
12 conclusions, what the government has relied on in
13 the past is not valid indication in that our
14 studies and the studies of others come to a
15 different conclusion.

16 Q. Have you ever found that an establishment,
17 an adult establishment, has had second -- adverse
18 secondary effects on a community?

19 MR. MURRAY: Objection.

20 Go ahead.

21 THE WITNESS: I had found that adult
22 establishments, like many establishments in the
23 community, are often located in areas in which
24 crime occurs.

25 ///

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1 BY MR. BLADUELL:

2 Q. So your conclusion is that it's not the
3 establishment that caused the secondary effects;
4 correct?

5 A. Well, my -- what is my conclusion maybe?

6 Q. Uh-huh.

7 A. My conclusion is that the adult business
8 areas are no worse statistically speaking and often
9 times better in terms of the amount of crime in
10 comparable controlled areas.

11 Q. But have you concluded that an adult
12 establishment has been responsible for causing
13 adverse secondary effects?

14 MR. MURRAY: Objection.

15 THE WITNESS: That's a misstatement often
16 times of the way that the question has been asked
17 in this area. It's difficult to establish cause
18 and effect in this area because we can't conduct an
19 experiment per se so that we have a number of
20 quasi-experimental methods that we undertake.

21 The best that we can do is to compare the
22 amount of crime in an area surrounding the adult
23 establishment to some sort of suitable control,
24 some sort of matched control or some sort of
25 statistical control, and my general conclusion

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<p style="text-align: right;">Page 61</p> <p>1 there is that adult businesses are no better and no 2 worse often times than other businesses with regard 3 to crime in the community. 4 BY MR. BLADUELL: 5 Q. Okay. So you have never found a causal 6 link between an adult business and adverse 7 secondary effect? 8 MR. MURRAY: Objection. 9 THE WITNESS: If the question is do crimes 10 occur in the vicinity of adult businesses and do 11 crimes occur within the confines of an adult 12 business, well, of course they do. The question 13 becomes are those crimes substantially different or 14 more frequent than controlled areas. 15 BY MR. BLADUELL: 16 Q. But if the question is does an adult 17 business cause secondary effects in our community, 18 then you have never found that there's a direct 19 relation between the adult business and the 20 secondary effects? 21 MR. MURRAY: Objection. 22 THE WITNESS: Well, as I stated before, 23 there are crimes that occur in adult businesses 24 like there are crimes that occur in every 25 business. I don't find in my research in the</p>	<p style="text-align: right;">Page 63</p> <p>1 of scholarly contribution most interested in that 2 or my peers from the university, and that while 3 they might consider this to be of some interest in 4 order to account for how I spend my time, there's 5 no great scholarly end roads that are made here. 6 Q. Now, let's go to Exhibit No. 2, your expert 7 report. On page 2, paragraph No. 4, it says, "I 8 have been asked by attorney Michael Murray to 9 express opinions on"; correct? 10 A. That is correct. 11 Q. And A is the quantity of sexually explicit 12 expression depicting adults versus the quantity of 13 child pornography; correct? 14 A. That is correct. 15 Q. Have you previously conducted any research 16 on this issue? 17 A. On the research that I have conducted is 18 reflected in paragraphs 1 through 11 in this 19 section. The quantity of sexually explicit 20 depiction -- expression depicting adults versus the 21 quantity of child pornography. 22 Q. So besides what is reflected in this 23 paragraph, previously you had not conducted any 24 research on this issue; correct? 25 A. That is correct.</p>
<p style="text-align: right;">Page 62</p> <p>1 published research that I've presented as well that 2 there's any substantial difference between the 3 amount of crime in areas surrounding adult 4 businesses compared to controlled areas, that's my 5 conclusion. 6 BY MR. BLADUELL: 7 Q. What about the question of the causal 8 connection between the effects and the business? 9 MR. MURRAY: Objection, he's answered it 10 three times. 11 BY MR. BLADUELL: 12 Q. You have never found a causal connection 13 between an adult business and adverse secondary 14 effects; correct? 15 MR. MURRAY: Objection, both to the form 16 and substance. 17 You can answer. 18 THE WITNESS: No one has found such causal 19 connection. 20 MR. BLADUELL: Okay. 21 Q. Now, Exhibit No. 3, I couldn't find that in 22 your CV, Exhibit No. 1. Was there a reason why 23 that was not included? 24 A. Well, I would say that because my CV is 25 primarily a matter of documentation of work that is</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. So you don't have any publications on this 2 topic? 3 A. No, I do not. 4 Q. And do you teach any courses on this 5 question? 6 A. Yes. 7 Q. What courses? 8 A. Well, for example, I teach a course 9 currently entitled "The Effects of Mass Media on 10 the Individual," and I cover pornography as a topic 11 in that course and examine the social science 12 research associated with exposure to pornography, 13 and I will discuss, for example, the study that 14 Dr. Paul and I undertook in which we've looked at 15 what we refer to as virtual child pornography. 16 Q. But does the course focus on the quantity 17 of sexually explicit expression depicting adults 18 versus the quantity of child pornography? 19 A. That comes up, but it is not a main focus 20 of the course. 21 Q. Now, how does that come up? 22 A. It comes up because it's a question that 23 students often will ask, how much child pornography 24 is there, is there out in this world, for example, 25 it's a question that most members of society would</p>

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<p>1 like to know the answer to.</p> <p>2 Q. How much time do you devote to this</p> <p>3 question?</p> <p>4 A. I devote as much time as the students will</p> <p>5 permit. I'm not sure students have that long of</p> <p>6 attention span, and what I would convey to the</p> <p>7 student is primarily a matter of what's contained</p> <p>8 in paragraphs 1 through 11 here.</p> <p>9 Q. Okay. Is that more than a class session?</p> <p>10 A. Generally not, yeah.</p> <p>11 Q. Okay. Have you been qualified as an expert</p> <p>12 before on the issue of the quantity of sexually</p> <p>13 explicit expression depicting adults versus the</p> <p>14 quantity of child pornography?</p> <p>15 MR. MURRAY: Objection.</p> <p>16 MR. BLADUELL: Let me rephrase that.</p> <p>17 Q. Have you been qualified by a court to offer</p> <p>18 testimony in a case on the quantity of sexually</p> <p>19 explicit expression depicting adults versus the</p> <p>20 quantity of child pornography?</p> <p>21 MR. MURRAY: Objection.</p> <p>22 THE WITNESS: No, I have not.</p> <p>23 BY MR. BLADUELL:</p> <p>24 Q. Now, what is your opinion on this question?</p> <p>25 A. Well, my opinion is reflected in paragraphs</p>	<p>1 A. Nothing that would be relevant. I stated</p> <p>2 all things that were based -- on which I based my</p> <p>3 opinion.</p> <p>4 Q. Okay. One of your -- one of the things</p> <p>5 that you base your opinion on is an article by</p> <p>6 Collins 2007, and that's on paragraph 2; correct?</p> <p>7 A. That is correct.</p> <p>8 Q. And you say there -- you cite Collins for</p> <p>9 the proposition that commercial production</p> <p>10 motivated by profit appears to account for a</p> <p>11 relatively small proportion of child pornography</p> <p>12 production in the United States; correct?</p> <p>13 A. Correct.</p> <p>14 Q. Do you know the full name of this author?</p> <p>15 A. I would have to check.</p> <p>16 Q. You don't know the author?</p> <p>17 A. I don't know the author personally, no.</p> <p>18 Q. Did you read the article from Collins?</p> <p>19 A. Yes, I have.</p> <p>20 Q. Did you read it for the purpose of this</p> <p>21 report?</p> <p>22 A. Yes, I have, but I would have to refresh my</p> <p>23 memory as to which Collins it was. I know several</p> <p>24 Collins.</p> <p>25 Q. So you don't know right now which Collins?</p>
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<p>1 1 through 11.</p> <p>2 Q. Okay.</p> <p>3 A. I have no opinions beyond those.</p> <p>4 Q. Okay. Is it fair to say that your opinion</p> <p>5 is that the quantity of sexually explicit</p> <p>6 expression depicting adults outweighs the quantity</p> <p>7 of child pornography?</p> <p>8 A. That is correct. My conclusion is that --</p> <p>9 it's stated in paragraph 11.</p> <p>10 Q. And in paragraph 11 you say, "Based on</p> <p>11 every source I have reviewed, greater than 99</p> <p>12 percent of commercial pornography sites involve</p> <p>13 adults rather than children. Less than one percent</p> <p>14 are tagged with the term 'child porn.' The</p> <p>15 percentage would be lower if we add all</p> <p>16 communications shared in a non-commercial setting</p> <p>17 as well." Is that accurate?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay. When you say there "Based on every</p> <p>20 source I have reviewed," are those the sources that</p> <p>21 you mentioned from paragraphs 1 to 11?</p> <p>22 A. Yes.</p> <p>23 Q. Any other sources that you reviewed for</p> <p>24 this opinion, other than those from paragraph 1 to</p> <p>25 11?</p>	<p>1 A. I would have to go back and look at my</p> <p>2 source to give you a full accounting of that</p> <p>3 reference.</p> <p>4 Q. So you have a printed copy of this article?</p> <p>5 A. No, I do not. I have an electronic copy.</p> <p>6 Q. Do you know the full title of the</p> <p>7 publication?</p> <p>8 A. I could not state that off the top of my</p> <p>9 head.</p> <p>10 Q. What does the publication deal with?</p> <p>11 A. I would have to review that particular</p> <p>12 publication.</p> <p>13 Q. Okay. When did you read this?</p> <p>14 A. Approximately two months ago.</p> <p>15 Q. Okay. So you don't remember what it was?</p> <p>16 A. I remember that it -- that -- at the time</p> <p>17 it was fair to use it as justification for what I</p> <p>18 stated in paragraph 2.</p> <p>19 Q. Anything else that you remember?</p> <p>20 A. I would have to review the article.</p> <p>21 Q. Was that an article in a book?</p> <p>22 A. Well, it's possible that it could have</p> <p>23 appeared in a book. I would have to go back and</p> <p>24 look at the original site.</p> <p>25 Q. Okay. Now, do you rely on another</p>

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<p>1 authority for this claim?</p> <p>2 A. Do I rely?</p> <p>3 Q. Yes.</p> <p>4 A. Well, I -- everything that I relied upon I</p> <p>5 attempted to document here.</p> <p>6 Q. I'm sorry, let me be more specific. Do you</p> <p>7 rely on other authority for the proposition that</p> <p>8 commercial production motivated by profit appears</p> <p>9 to account for a relatively small proportion of</p> <p>10 child pornography production in the United States?</p> <p>11 A. Yes, as I indicated here I relied on the</p> <p>12 Mitchell, et al., 2005 piece and the Wolak 2005</p> <p>13 piece.</p> <p>14 Q. Okay. Have you conducted your own studies</p> <p>15 about the proportion of child pornography that is</p> <p>16 commercially produced?</p> <p>17 A. Aside from the research done?</p> <p>18 Q. For this.</p> <p>19 A. No, I have not.</p> <p>20 Q. Okay. And Mitchell, Finkelhor and Wolak</p> <p>21 article that you cite here, 2005, and the Wolak, et</p> <p>22 al., article 2005 that you cite, did you read</p> <p>23 those?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Now, did you know these authors,</p>	<p>1 3, you also mention a publication in which an FBI</p> <p>2 agent named "Kenneth V. Lanning" is, quote --</p> <p>3 A. In what paragraph?</p> <p>4 Q. In paragraph 3. --</p> <p>5 A. I'm sorry.</p> <p>6 Q. -- of page No. 2 of your report. You also</p> <p>7 rely on a publication by the FBI; correct?</p> <p>8 A. That is correct.</p> <p>9 Q. And that publication includes statements by</p> <p>10 Mr. Kenneth Lanning; correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And this publication is from 1992; correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Do you know Agent Lanning?</p> <p>15 A. I have met Agent Lanning and I have</p> <p>16 listened to a presentation that he's made at a</p> <p>17 meeting in the past, so I don't recall exactly</p> <p>18 which one, but many years ago.</p> <p>19 Q. Was that after 1992?</p> <p>20 A. Probably.</p> <p>21 Q. Okay. Do you know if there are newer</p> <p>22 editions of this publication?</p> <p>23 A. No, I do not.</p> <p>24 Q. Okay. Other than this publication, do you</p> <p>25 have any basis to suggest that child pornography is</p>
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<p>1 Wolak -- did you know of the author Wolak before</p> <p>2 reading this article?</p> <p>3 A. Do I know of her?</p> <p>4 Q. Yes.</p> <p>5 A. Yes, I know of her reputation as a</p> <p>6 researcher, and then I also have met David</p> <p>7 Finkelhor over the years, but it has been many</p> <p>8 years ago.</p> <p>9 Q. Okay. Now, you say on page 3, paragraph</p> <p>10 1 --</p> <p>11 A. Yes.</p> <p>12 Q. -- this is at the bottom -- when you say,</p> <p>13 "I have reviewed studies of arrest for possession</p> <p>14 of child pornography I deem to be credible," is one</p> <p>15 of those studies a study conducted by Janis Wolak?</p> <p>16 A. That is correct, by Wolak, Finkelhor,</p> <p>17 Mitchell and Jones.</p> <p>18 Q. And you -- why do you seem those studies</p> <p>19 credible?</p> <p>20 A. I feel that these researchers have done a</p> <p>21 good job of attempting to understand how</p> <p>22 pornography -- child pornography arrests -- child</p> <p>23 pornography arrests have occurred in law</p> <p>24 enforcement in the United States.</p> <p>25 Q. Okay. If we go back to page 2, paragraph</p>	<p>1 divided into two subcategories, commercial and</p> <p>2 homemade?</p> <p>3 A. Other than Mr. Lanning's, no. I relied on</p> <p>4 Mr. Lanning's presentation.</p> <p>5 Q. But that was a long time ago, correct, more</p> <p>6 than 20 years ago?</p> <p>7 A. Is that a question?</p> <p>8 Q. Yes.</p> <p>9 A. 1992 is the date of the publication.</p> <p>10 Q. So that's more than 20 years ago?</p> <p>11 A. Are you asking me for that calculation?</p> <p>12 Q. Yeah.</p> <p>13 A. I think that -- that's an empirical</p> <p>14 question.</p> <p>15 Q. Can you calculate that?</p> <p>16 A. Yes, I could. Yes, it is more than 20</p> <p>17 years.</p> <p>18 Q. Okay. Do you know if child pornography has</p> <p>19 changed from 1992 until this day?</p> <p>20 MR. MURRAY: Objection.</p> <p>21 THE WITNESS: Do I know?</p> <p>22 BY MR. BLADUELL:</p> <p>23 Q. Do you know?</p> <p>24 A. I know what -- my opinions are based on</p> <p>25 what I rely on here, so if there is some indication</p>

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<p>1 in these documents that it has changed and I saw 2 nothing that appeared to me to be credible, I would 3 stand by Dr. Lanning's original classification. 4 Q. So the -- so is it your opinion that today, 5 2013, child pornography can be invited into two 6 subcategories, commercial and homemade? 7 A. Yes, it can be divided into those two 8 categories. 9 Q. Today, 2013; correct? 10 A. I assume that there is no reason to think 11 that these two categories are not still useful. 12 Q. Okay. But my question is, do you know if 13 child pornography can be divided into these two 14 categories today? 15 A. Do I know if Kenneth Lanning has made 16 subsequent subdivisions? 17 Q. Let me rephrase that. Is it your opinion 18 that in 2003, child pornography can be divided into 19 these two categories, commercial and homemade? 20 MS. WYER: 2013. 21 MR. BLADUELL: 2013, sorry. 22 THE WITNESS: Can it be, yes. 23 BY MR. BLADUELL: 24 Q. Okay. Are those the only categories that 25 apply today in 2013 to child pornography?</p>	<p>1 pornography is primarily a cottage industry run by 2 pedophiles and child molesters. The commercial of 3 child pornography is still being distributed in the 4 United States and smuggled in from foreign 5 countries, primarily by pedophiles. 6 Is it your opinion that that accurately 7 reflects the state of child pornography today in 8 2013? 9 MR. MURRAY: Objection, that wasn't the 10 whole quote, but you may answer. 11 THE WITNESS: I have no reason to assume 12 that things have changed substantially. 13 BY MR. BLADUELL: 14 Q. Why do you say that you have reason not to 15 assume that changed substantially? 16 A. I am not aware of any credible research 17 report that would convince me otherwise. 18 Q. Let me -- 19 THE WITNESS: Is it possible that we could 20 take a tiny break here? 21 MR. BLADUELL: We can take a break. 22 (Off the record.) 23 MR. BLADUELL: I'm going to mark another 24 exhibit, 4. This is the report from Janis Wolak. 25 Do you have a copy?</p>
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<p>1 A. No, there are infinite numbers of 2 categories that one could devise. 3 Q. So today, this statement that child 4 pornography can be divided into two subcategories 5 is not completely accurate; correct? 6 A. Well, I think it's completely accurate but 7 it's not completely exhaustive. 8 Q. So there are more categories of child 9 pornography today? 10 A. There may be more categories -- there may 11 be more categories of child pornography then and 12 today. These were the two that Dr. Lanning felt 13 were most important. 14 Q. Okay. So what other -- in what other 15 subcategories can child pornography be divided 16 today? 17 A. I think that probably another category 18 would be what might be referred to as the peer-to- 19 peer sharing, and that may include commercial as 20 well as homemade images. 21 Q. Anything else? 22 A. I think that those are the ones that are 23 most important for law enforcement consideration. 24 Q. Okay. And paragraph 4 you refer to Agent 25 Lanning saying in the United States child</p>	<p>1 MR. MURRAY: Not with me, no. Do you have 2 a copy for me? 3 (Whereupon, Report of Janis Wolak, J.D., 4 was marked Exhibit 4 for identification.) 5 MR. BLADUELL: I hope this is not marked. 6 Q. You've seen this document before, correct, 7 Mr. Linz? 8 A. Yes, I have. 9 Q. When did you review it? 10 A. I reviewed this document a couple of days 11 ago. 12 Q. Okay. If we go to page 4, we see paragraph 13 5, and Ms. Wolak wrote, "Dr. Linz suggests that 14 most child pornography is made by those who know 15 the victims, homemade, and therefore does not 16 appear in commercial context." 17 Page 2, numbers 3 and 4, "His attempt to 18 create a dichotomy between homemade and commercial 19 child pornography distribution is based on a 20 20-year-old report, Lanning 1992, which describes 21 child pornography as primarily a cottage industry 22 run by pedophiles and child molesters. This is an 23 outdated pre-Internet description. 24 "Images are no longer smuggled in from 25 foreign countries. Nowadays, child pornography is</p>

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<p>1 a global phenomenon with images distributed 2 including commercial distribution." 3 What's your opinion on -- of Ms. Wolak's 4 opinion of what you said in the report? 5 MR. MURRAY: Objection. 6 Go ahead and answer. 7 THE WITNESS: I think it's an interesting 8 assertion. What concerns me about that is that if 9 images are no longer smuggled in from foreign 10 countries how one makes that assessment with regard 11 to the Internet, because it would seem to me as if 12 child pornography is illegal and it appears on a 13 U.S. screen that's smuggled into this country, 14 isn't it? It's not -- it didn't legally arrive 15 here and anything that is not legal is smuggled. 16 BY MR. BLADUELL: 17 Q. So your assertion that the images are 18 smuggled into this country is based on the fact 19 that it is illegal to produce them in this country? 20 A. Well, I don't know how else we defined 21 smuggled in. I mean, you don't have to smuggle in 22 legal material, do you, or legal products. 23 Q. Okay. But it is possible to create child 24 pornography in the U.S.; correct? 25 A. Yes.</p>	<p>1 a number that allows you to tell how much material 2 is scooped up as it were and held to be problematic 3 or illegal by a form of overreach by the government 4 or by the regulator, and so what they do is 5 establish a series of ratios in which they try to 6 look at material that has been addressed by some 7 sort of policy or law and compare that to a 8 denominator of some sort, a universe of some sort. 9 They are interested in -- they have been 10 interested in primarily looking at this with regard 11 to political communication and with regard to 12 political advertisements and those that do or do 13 not violate federal law with regard to what can and 14 cannot be funded by certain organizations, 15 political. 16 Q. Is this a statistical analysis? 17 A. Well, a statistic is any attempt at gauging 18 a parameter within a population, so to the extent 19 that there is a attempt here to generalize from a 20 sample of some sort or from a calculation of some 21 sort to a universe, I would say we can call it a 22 statistic. Do they have a set of numbers that they 23 can apply that tell you when the statistic is 24 accurate or not, that's in development. 25 Q. Okay. But for the calculations that you</p>
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<p>1 Q. But is it your opinion that most of the 2 child pornography images that you can find 3 available in the U.S. are smuggled in from foreign 4 countries? 5 A. Well, it is my opinion that because child 6 pornography is illegal in the U.S., that there 7 cannot be legal distribution, and therefore it must 8 be a form of illegal smuggling. 9 Now, how much of it is from the U.S. and 10 how much of it comes from foreign sources is 11 something that is hard to determine at this point. 12 Q. Now, if we go to page 5 of your report, you 13 talk about the Krasno -- McGovern/Krasno regulatory 14 efficiency measure. 15 A. Pardon me? On my report? 16 Q. Yes. 17 A. I'm sorry, I was in the wrong report. Yes. 18 Q. You talk about the regulatory efficiency 19 measure of McGovern and Krasno. 20 A. That is correct. That's McGovern, 21 M-c-g-o-v-e-r-n, and Krasno, K-r-a-s-n-o. 22 Q. Could you explain what this measure is? 23 A. This is a measure that attempts to quantify 24 the constitutional concept of overbreadth, and so 25 what they are interested in doing is coming up with</p>	<p>1 did for the report, is that a statistical analysis? 2 A. Well, it's statistical in the sense that 3 there is an attempt here to generalize to the 4 larger universe of images, and that just as a mean, 5 for example, would be a statistic, a proportion can 6 be a statistic also, and these are proportions that 7 are being reported. 8 Q. Is multivariate a statistical analysis? 9 A. No, it is not. 10 Q. Okay. And what's the difference between 11 multivariate and statistical analysis in this 12 analysis? 13 A. Well, a multivariate analysis would be one 14 that included other variables, and that is not 15 generally done in this situation. This is a matter 16 of forming a ratio between some universe or some 17 denominator and some material of interest. 18 Q. This is a simple division; correct? 19 A. It's a proportion, yeah, it is a division. 20 Q. McGovern and Krasno, are they 21 statisticians? 22 A. I'm sure that they have statistical 23 training. My recollection is that they're 24 economists, but I would have to check that. 25 Q. Have you applied this regulatory efficiency</p>

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1 measure before in any of your research?

2 A. No, I have not.

3 Q. Have you published any peer-reviewed papers
4 applying this regulatory efficiency measure?

5 A. No, I have not.

6 Q. Do you know the limitations of this
7 measure?

8 A. I have perhaps opinions about those
9 limitations. Is there a well-developed literature
10 on limitations, no, there is not.

11 Q. What are your opinions on the limitations
12 of this measure?

13 A. Well, in the case of their work and my
14 feeling is that the proportion is useful in telling
15 us in some precise way how much material that we're
16 dealing with. One can always pick a variety of
17 comparative points or denominators, and so one can
18 reasonably argue about the compared-to-what
19 question, should we compare the amount of child
20 pornography to all pornography, should we compare
21 it to all possible presentations of the naked human
22 form that is available, and so I think that there
23 can be a number of arguments about what the
24 appropriate denominator is in any calculation of
25 this sort.

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1 Q. Has this measure been used before by other
2 academics in measuring overbreadth?

3 A. Yes, I mean, it has been by these
4 authors --

5 Q. And who else?

6 A. -- it has been used.

7 Q. Anyone else?

8 A. I'm not aware of many other authors that
9 have used in other contexts.

10 Q. Are you aware of any?

11 A. I'm not aware of any that I -- whose
12 research I've pursued, no.

13 Q. And have you -- you use Google hits in
14 employing this measure; correct?

15 A. That is correct.

16 Q. Do you know of any peer-reviewed
17 publications that have used Google hits in relation
18 to this measure?

19 MR. MURRAY: Objection.

20 THE WITNESS: Do I know of any other peer-
21 reviewed studies, no, I do not.

22 BY MR. BLADUELL:

23 Q. Okay. So the question was, just to make it
24 clear, have you -- are you aware of any peer-
25 reviewed publications in which Google hits have

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1 been used in employing the regulatory efficiency
2 measure?

3 MR. MURRAY: Objection.

4 THE WITNESS: No, I don't think that I am.

5 BY MR. BLADUELL:

6 Q. Now, my understanding of this measure is
7 that on top you put the amount of expression that
8 is appropriately subject to the regulation and
9 divide it by the whole universe of expression
10 that's subject to the regulation; correct?

11 MR. MURRAY: Objection.

12 You may answer.

13 THE WITNESS: Aside from the word
14 "appropriate" used in your question, I think that
15 that is true. I mean, attempt to identify those
16 materials of the subject of the regulation and
17 compare that to some larger number of materials to
18 establish proportion.

19 BY MR. BLADUELL:

20 Q. Okay. So let's see in the -- when you
21 divide the number of tags on Google of child "pron"
22 by the number of hits on porn, you're saying that
23 the number of hits for child "pron" are the
24 legitimate applications of the statute; correct?

25 A. Legitimate, that that's the legitimate

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1 application statute?

2 Q. Right.

3 A. No, I'm not saying that. I'm saying that
4 is -- using that particular search term, that's an
5 extremely small proportion of the universe.

6 Q. Okay. But child pornography would
7 represent a legitimate application of 2257;
8 correct?

9 A. Of the 00227, there could be some --

10 Q. I'm sorry, of the statute 2257.

11 A. There's a 227. Does it represent a
12 legit -- no, not necessarily. I think that that --
13 it's probable that that percentage, .002, is, in
14 fact, far, far lower, because most of what is
15 captured there is material that would not be child
16 pornography at all but primarily reports about
17 child pornography or about child pornographers or
18 about arrests involving child pornography and a
19 variety of other sources. This is an upperbound.
20 I suspect, in fact, that the proportion of child
21 pornography is actually much, much smaller than
22 this.

23 Q. Okay. Now, why do you use Google to
24 calculate this measure?

25 A. Well, because Google is a search engine,

21 (Pages 81 to 84)

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<p>1 and the claim is that this engine searches a vast 2 amount of material that the average person could 3 come across in the Internet. 4 Q. And what is your understanding about how 5 Google works? 6 A. Well, that is an interesting question, 7 because Google -- much of Google's information is 8 proprietary, and my understanding is that Google 9 routinely attempts to search for and eliminate any 10 URLs or other sources of material that could 11 possibly be deemed child pornography. 12 Q. But do you know how Google -- do you know 13 how the tags work in Google? 14 A. Do I know the technical machinations 15 associated with the tags, somewhat but not 16 extensively. 17 Q. What do you know about this? 18 A. I know that the tags -- first of all, it's 19 proprietary information that Google does not 20 generally share, and I know that often times the 21 tags are related to a variety of factors, multiple 22 factors that Google has determined to be important 23 and that what appears at the beginning of the 24 search, for example, is influenced by a variety of 25 factors including commercial liability.</p>	<p>1 informed me that it is -- that Google will not 2 allow you to search for child porn. 3 Q. And do you know how Mr. Douglas knows that? 4 A. My assumption is that Mr. Douglas has 5 extensively researched this area and that I would 6 not be interested myself in typing in the term 7 "child porn" on the Internet. 8 Q. But that's an assumption; correct? 9 A. That is indeed. 10 Q. You don't know for sure? 11 A. I am fairly confident in having spoken with 12 Jeffrey over many years that he's an expert in this 13 area. 14 Q. Expert on looking for child porn on Google? 15 A. An expert in understanding how one -- what 16 one can and cannot search for. 17 Q. In Google? 18 A. In Google. 19 Q. Now, this calculation of 3,000,090 hits are 20 search hits, those are pages that are tagged as 21 child "pron" on Google; correct? 22 A. Well, they are tagged in a variety of ways, 23 but it's Google's best attempt at finding for you 24 that thing that it thinks that you want. 25 Q. But of course you say those pages are not</p>
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<p>1 Q. Okay. So when one is going to put up a Web 2 page, does that person select the tags? 3 A. Yes, there is a procedure whereby tags can 4 be appointed to the URL. 5 Q. Does Google also tag Web sites itself? 6 A. That I do not know. 7 Q. Does Google verify the tags that are 8 accurate? 9 A. I do not know what their procedures are. 10 Q. So it is possible that some of these pages 11 are not accurately tagged? 12 A. Is it possible that there's error in this 13 tagging system, yes. 14 Q. Now, in the calculation of child "pron" -- 15 by the way, why did you -- why was "pron" used 16 instead of "porn"? 17 A. Because the term "porn" cannot be searched 18 for child porn in Google. 19 Q. Okay. 20 A. So that -- as I understand, the established 21 way of attempting to find a related subject is 22 actually to use the p-r-o-n. 23 Q. How do you come about that understanding? 24 A. I come at that understanding from a variety 25 of sources, including Jeffrey Douglas, who has</p>	<p>1 actual -- not all of them are actual depictions of 2 child porn; correct? 3 A. From what I have seen -- I have never seen 4 what I would call a depiction of child porn from a 5 search such as that. 6 Q. Okay. You didn't review all of these hits; 7 correct? 8 A. I didn't in this particular instance do 9 that, but I have in the past looked at similar -- a 10 similar sort of search, and what I generally find 11 are reports about child porn and not child porn per 12 se. 13 Q. Okay. And now the term "porn" when you 14 typed it in, those are pages -- 15 A. "Pron." 16 MR. MURRAY: No, porn. 17 THE WITNESS: Porn for the denominator? 18 MR. BLADUELL: Yes. 19 Q. Those are pages that are tagged as porn; 20 correct? 21 A. That is correct. 22 Q. Those are not pages that necessarily depict 23 pornography; correct? 24 A. Well, have I examined all of the billions 25 of pages, no, I have not, but I would assume that</p>

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1 the tagger is interested in that being something
2 that the viewer would reasonably conclude as
3 pornography.

4 Q. But that's an assumption, you don't know?

5 A. That is correct.

6 Q. Now, is it your opinion that every site on
7 Google potentially depicting child porn would have
8 come up in this search?

9 A. Every site, no, it is not the case that
10 every site would come up.

11 Q. So there could be sites depicting child
12 pornography that didn't come up in this search --

13 A. That is possible.

14 Q. -- correct?

15 If people want to put up a site of child
16 porn on the Internet, do they have an incentive not
17 to tag it as child porn?

18 A. I would assume that they have an incentive
19 because such a term might be thought of as illegal,
20 and -- but for those seeking out child porn, that
21 may not be relevant.

22 Q. Right, but the people that are going to put
23 up the page, there is some incentive for them not
24 to tag it as child porn?

25 A. My assumption is that a variety of tags are

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1 used and that other tags -- for example, the
2 ones -- or the other descriptors such as those used
3 in the peer-to-peer filing-sharing networks often
4 use different terms and not child pornography.

5 Q. What terms would they use?

6 A. They use things that I have listed here.

7 Q. When you say listed here --

8 A. In this report that I have prepared,
9 Exhibit 2, there's a section in which I opine on
10 what terms researchers have indicated are often
11 used.

12 Q. Okay. Can you find it? Because I don't
13 remember that from your report.

14 A. I recall that there was a term in peer-to-
15 peer, for example, peeto or -- and I thought that
16 would be included in this report. It's specific to
17 P-to-P networks, though.

18 Q. That's not mentioned in the report;
19 correct?

20 A. I think that it is. I would have to -- I
21 guess I did not include that.

22 Q. So do you recall what terms they are?

23 A. No, I do not. I do recall, however, that
24 there is a report that suggests that the way that
25 pornography is shared in peer-to-peer networking

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1 includes a variety of terms, and I thought that
2 perhaps I listed these terms here, but I do not --
3 it's probably -- I'm probably remembering something
4 from the study entitled "Peer-to-peer sharing on
5 the Internet," an analysis of how Gnutella networks
6 are used to distribute pornographic material, this
7 is an article in the Canadian Journal of Law and
8 Technology, and I was interested in that, but I
9 guess I did not include those terms.

10 Q. Okay. And you said that it could have been
11 taken out, these terms?

12 A. That what --

13 Q. That they could have been taken out of the
14 report?

15 MR. MURRAY: Objection.

16 THE WITNESS: No, I'm not saying that they
17 were taken out of the report. I am falsely
18 remembering apparently that I had included it in
19 the report, although I am interested in that peer-
20 to-peer sharing and what terms are used there.

21 BY MR. BLADUELL:

22 Q. Did someone edit this report for you?

23 A. No, no, but at some point I, sort of, get
24 confused about the -- all of the things that I had
25 looked at and what it is that I report on here.

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1 Q. Okay. So you don't remember the terms;
2 correct?

3 A. No, I don't remember the precise terms, but
4 I can tell you that in my opinion is that in peer-
5 to-peer network file-sharing a variety of terms are
6 used that do not necessarily employ the actual
7 words "child pornography," that's the only point
8 that I'm trying to make.

9 Q. In peer-to-peer networks -- by the way,
10 let's just clarify for the record, what is peer-to-
11 peer?

12 A. Well, as I understand it, it is a vast
13 network whereby individual computers share with
14 other individual computer users files that they
15 have on their computer, and that there is a variety
16 of ways in which that can be organized.

17 Q. And the people in charge of these networks
18 can exclude others?

19 A. Yes.

20 Q. So it's not a public place?

21 A. Yes. There are many ways in which users
22 communicate with one another, and only users that
23 have a rarefied or specialized interest will
24 communicate with one another.

25 Q. And are there search engines in these peer-

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<p>1 to-peer networks?</p> <p>2 A. Yes, there are ways to search, and that's,</p> <p>3 in fact, what I was referring to is that my</p> <p>4 recollection is that there are other kinds of</p> <p>5 searches that one could do involving other terms</p> <p>6 that would not necessarily be child pornography.</p> <p>7 Q. In peer-to-peer networks, have you searched</p> <p>8 for child pornography --</p> <p>9 A. I have not and will not, unless you give me</p> <p>10 immunity.</p> <p>11 Q. I don't have the power to do that.</p> <p>12 Now, let's look at the term -- the search</p> <p>13 that you did for teen porn, and the search that was</p> <p>14 done for teen porn that you included in your</p> <p>15 report, it's on page 14 of your report,</p> <p>16 Appendix A., now, you didn't review each of these</p> <p>17 hits; correct?</p> <p>18 A. No, each of the 136,000,000 I didn't.</p> <p>19 Q. But you reviewed some of them --</p> <p>20 A. Yes.</p> <p>21 Q. -- for the purpose of this report?</p> <p>22 A. I reviewed what I show you here for the</p> <p>23 purpose of this report, but over the course of many</p> <p>24 years, I've reviewed hundreds, if not thousands, of</p> <p>25 teen porn representations on the Internet.</p>	<p>1 A. That is correct.</p> <p>2 Q. And in some of those hits, it could not</p> <p>3 be -- it's possible that they didn't contain</p> <p>4 directions to images; correct?</p> <p>5 A. It is possible.</p> <p>6 Q. Let's go back to paragraph 9. So you</p> <p>7 conclude --</p> <p>8 A. Of page?</p> <p>9 Q. I'm sorry, page 3. You conclude that child</p> <p>10 porn is a very small ratio of overall porn;</p> <p>11 correct?</p> <p>12 A. Well, in 9 I'm not sure I can conclude</p> <p>13 that. By 11 I conclude that.</p> <p>14 Q. So what is your conclusion of 9 -- in 9?</p> <p>15 A. Well, my conclusion is stated in 11 based</p> <p>16 on 9.</p> <p>17 Q. Okay. So 9 is only one source of -- it's</p> <p>18 only one of the reasons why you conclude -- why you</p> <p>19 state a conclusion in No. 11; correct?</p> <p>20 A. It is my primary reason for saying that.</p> <p>21 Q. It's your primary reason. And this is</p> <p>22 based on a division of Google hits?</p> <p>23 A. That is correct.</p> <p>24 Q. And these are Google hits of Web sites that</p> <p>25 are tagged as child porn or porn; correct?</p>
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<p>1 Q. So each of these hits that are listed on</p> <p>2 page 14, they do not relate to just one depiction</p> <p>3 of teen porn; correct?</p> <p>4 A. Well, the -- they are generally a URL that</p> <p>5 would indicate a website in which there could be</p> <p>6 thousands of depictions.</p> <p>7 Q. Okay. And some of these hits could contain</p> <p>8 no depictions at all; correct?</p> <p>9 A. That is correct.</p> <p>10 Q. We don't know how many of them contain</p> <p>11 depictions?</p> <p>12 A. I think that you have a better idea than</p> <p>13 not in the sense that in my experience with, for</p> <p>14 example, the first that --</p> <p>15 Q. Pornhub?</p> <p>16 A. -- Pornhub, that there are, in fact,</p> <p>17 depictions included there and hundreds of thousands</p> <p>18 of such, if not millions and perhaps billions, and</p> <p>19 that would be the same for Redtube, which is at the</p> <p>20 bottom here, and Porntube. So Kinky Teen Porn</p> <p>21 Videos, dash, Porntube Movies, that has been in my</p> <p>22 experience a source of images, thousands of images,</p> <p>23 as has Redtube.</p> <p>24 Q. Okay. Of course there are many other pages</p> <p>25 that were included in this search of hits; correct?</p>	<p>1 A. Well, child "pron."</p> <p>2 Q. Child "pron" or porn; correct?</p> <p>3 A. Compared to porn.</p> <p>4 Q. Okay. You have not actually reviewed the</p> <p>5 content of these websites for this report; correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Now, do these Google hits contain -- would</p> <p>8 capture Web sites in peer-to-peer networks?</p> <p>9 A. As I understand, not usually, that peer-to-</p> <p>10 peer operates in a different -- although it is</p> <p>11 possible that things can be captured that way, that</p> <p>12 peer-to-peer networks are shared by a different set</p> <p>13 of tags and a different set in a different means.</p> <p>14 Q. So your understanding is that it would not</p> <p>15 be included?</p> <p>16 A. Yes.</p> <p>17 Q. And there's also other search engines on</p> <p>18 the Internet; that is correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Yahoo?</p> <p>21 A. Yahoo is one.</p> <p>22 Q. What other search engines do you know?</p> <p>23 A. Those are the two that are most often used.</p> <p>24 Q. Yahoo and Google?</p> <p>25 A. Yahoo and Google.</p>

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<p>1 Q. And do you know if there are differences in 2 the number of hits that you would get from search 3 engine to search engine? 4 A. I do not know. I assume that there would 5 be. 6 Q. Have you conducted searches on other search 7 engines? 8 A. No, I have not. 9 Q. Now, in page -- I'm sorry, yeah, page 3, 10 paragraph No. 10, when you say none could be 11 identified as possible child pornography images, 12 how many of the hits did you review to formulate 13 that conclusion? 14 A. I formulated that on the basis of the 15 materials provided here. 16 Q. So the first page of the search; correct? 17 A. That is correct. 18 Q. Did you go into those sites? 19 A. Did I go beyond the first page, no -- 20 Q. No. 21 A. Did I go to each of these sites? 22 Q. Did you click on them and review the 23 contents? 24 A. No, I did not, but my experience in the 25 past having looked at reports, so if I may refer</p>	<p>1 activity, that there would be billions and billions 2 of such images or communications and that this less 3 than one percent is in fact true but it would be a 4 much, much smaller minuscule portion of one 5 percent. 6 Q. So you're saying if we include more in the 7 denominator it would be less; correct? 8 A. Correct. 9 Q. So that other -- those other private 10 communications that you're talking about are not 11 gathered by the search results for porn, is that 12 your assumption? 13 A. Yeah, there are many, many private 14 communications that are not that would be -- that 15 would be a part of other sources that Google does 16 not access. 17 Q. But of course if you include private 18 communications in the enumerator there would be 19 also more -- a bigger number of child porn; 20 correct? 21 A. You mean the enumerator could change as 22 well? 23 Q. Right. 24 A. That is possible, yes. 25 Q. Because child porn could be also</p>
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<p>1 you to page 12, for example, I have conducted many, 2 many searches similar to this in which, for 3 example, the term "child pornography" as it appears 4 in Wikipedia comes up, and then a variety of 5 reports come up about possible pornography -- child 6 pornography arrests and investigations, and my 7 experience has been that this is very typical of 8 what occurs in such a search, that there are 9 references to cases, law enforcement activities or 10 other advocacy groups, for example, that are 11 interested in and concerned about child pornography 12 in society. 13 Q. When you say in paragraph No. 9 -- I'm 14 sorry, in paragraph 11 on page 3 of Exhibit 2, 15 "Less than one percent are tagged with the term 16 'child porn.' The percentages would be lower if we 17 add all communications shared in non-commercial 18 settings as well." 19 By non-commercial settings, what do you 20 mean? 21 A. Well, I mean, if we were to include all of 22 the communications that would be involved in 23 Internet traffic having to do with every 24 individual, private individual, sharing or creating 25 content that involves nudity or involves sexual</p>	<p>1 transmitted using those private communications; 2 correct? 3 A. Yeah. 4 Q. Like Facebook; correct? 5 A. That is correct. Now, although 6 organizations like Facebook and others claim to 7 maintain a vigilancy with regard to child 8 pornography. 9 Q. And we don't know how effective they are? 10 A. I only know what I find on the Web, I only 11 know what they report, yes. 12 Q. And we don't know how effective they are? 13 A. I assume that their effectiveness is 14 accurately portrayed in their reports. 15 Q. So they say that they are effective in 16 preventing trafficking of child pornography; 17 correct? 18 A. They do. 19 Q. And you assume that they are correct? 20 A. I have no reason to believe otherwise. 21 Q. Do you have a reason to believe that they 22 are effective? 23 A. No, I think that our -- I rely on their 24 reports of effectiveness. 25 Q. Now, Twitter, it could also be used to</p>

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<p>1 transmit child pornography; correct?</p> <p>2 A. Or any form of pornography as</p> <p>3 Representative Weiner has demonstrated to us.</p> <p>4 Q. When you -- on page 7 of your report when</p> <p>5 you list possible sources of sexually explicit</p> <p>6 images, and you say Facebook, Twitter, Instagram,</p> <p>7 Imageboards, streaming video, private/semi-private,</p> <p>8 image sharing services, Reddit and Live</p> <p>9 streaming --</p> <p>10 A. Including Skype, for example.</p> <p>11 Q. Those are all sources where --</p> <p>12 A. Those are all sources --</p> <p>13 Q. Child pornography could be transmitted?</p> <p>14 A. Not only does that -- there are sources</p> <p>15 where --</p> <p>16 Q. Any kind?</p> <p>17 A. -- any kind of pornography can be -- can be</p> <p>18 transmitted or any kind of sexual conduct that</p> <p>19 might involve explicit or even non-explicit images.</p> <p>20 Q. Okay. Have you ever conducted any studies</p> <p>21 on how child pornography is transmitted in</p> <p>22 commercial pornography outlets?</p> <p>23 MR. MURRAY: Objection.</p> <p>24 THE WITNESS: The studies that I've</p> <p>25 conducted -- or the research that I conducted are</p>	<p>1 MR. MURRAY: Objection.</p> <p>2 BY MR. BLADUELL:</p> <p>3 Q. You can answer. Do you know?</p> <p>4 A. I'm thinking about the question.</p> <p>5 Q. The question is, do you know if child</p> <p>6 pornography --</p> <p>7 A. Is there a study on child pornography being</p> <p>8 distributed through adult pornography sites?</p> <p>9 Q. Are you aware --</p> <p>10 A. I am aware of no study.</p> <p>11 Q. Okay. Now, aside from the existence of</p> <p>12 studies, do you know if -- from your research of</p> <p>13 adult sites if child pornography is transmitted</p> <p>14 through adult sites?</p> <p>15 A. I have never come across anything that I</p> <p>16 would classify as child pornography in --</p> <p>17 Q. Adult sites --</p> <p>18 MR. MURRAY: Let him finish his answer.</p> <p>19 THE WITNESS: If I had, I would have</p> <p>20 reported it to the FBI.</p> <p>21 BY MR. BLADUELL:</p> <p>22 Q. Okay. Now, let's go to page 3 of your</p> <p>23 report, Mr. Linz. Now, you say at the bottom,</p> <p>24 "Research indicates that the biggest source of</p> <p>25 child pornography is peer-to-peer networks, not</p>
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<p>1 reflected in this report. There's nothing that</p> <p>2 I've conducted that's not reflected in this report,</p> <p>3 unless I otherwise indicate.</p> <p>4 BY MR. BLADUELL:</p> <p>5 Q. So you have -- is it accurate to say that</p> <p>6 you have not conducted studies of how child</p> <p>7 pornography is transmitted in commercial</p> <p>8 pornographic sites?</p> <p>9 A. I have conducted investigations, and I am</p> <p>10 aware of the research in this area, but I have not</p> <p>11 conducted a study myself --</p> <p>12 Q. Can you --</p> <p>13 A. -- aside from what is reported here.</p> <p>14 Q. Can you explain what you mean by have</p> <p>15 conducted investigations?</p> <p>16 A. Well, I have attempted to review all of the</p> <p>17 relevant scientific information on the matter.</p> <p>18 Q. Okay. But you have not yourself engaged in</p> <p>19 research to publish something on how child</p> <p>20 pornography is transmitted in commercial</p> <p>21 pornography --</p> <p>22 A. No, I have not.</p> <p>23 Q. Do you know if there are child pornography</p> <p>24 that is distributed through adult pornographic</p> <p>25 sites?</p>	<p>1 commercial pornography outlets."</p> <p>2 Now, this is not research that you have</p> <p>3 conducted; correct?</p> <p>4 MR. MURRAY: Objection.</p> <p>5 You may answer.</p> <p>6 THE WITNESS: Well, this is research that I</p> <p>7 have reviewed including Dr. Finkelhor's and</p> <p>8 Dr. Wolak's work.</p> <p>9 BY MR. BLADUELL:</p> <p>10 Q. Not research that you have personally</p> <p>11 conducted; correct?</p> <p>12 A. I have never conducted any research</p> <p>13 personally on peer-to-peer networks.</p> <p>14 Q. Okay. For making this statement you did</p> <p>15 not review any commercial pornography outlets</p> <p>16 yourself; correct?</p> <p>17 MR. MURRAY: Objection.</p> <p>18 THE WITNESS: Well, no. I mean, I've</p> <p>19 viewed many commercial pornography outlets. With</p> <p>20 regard to the arrest for child pornography</p> <p>21 production, I rely on the data that is collected by</p> <p>22 Drs. Wolak and Finkelhor.</p> <p>23 BY MR. BLADUELL:</p> <p>24 Q. Now, you also said that you have reviewed</p> <p>25 studies of arrests for possession of child</p>

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<p>1 pornography that you deemed credible; correct?</p> <p>2 A. That is correct.</p> <p>3 Q. One of the studies is that child</p> <p>4 pornography production data at two time points from</p> <p>5 a national sample of U.S. law enforcement agencies;</p> <p>6 correct?</p> <p>7 A. That is correct.</p> <p>8 Q. The other one is child pornography</p> <p>9 assessors, trends in offender and case</p> <p>10 characteristics?</p> <p>11 A. That is correct.</p> <p>12 Q. And the other one is Trends in Arrest For</p> <p>13 Child Pornography Possession, the Third National</p> <p>14 Juvenile Online Victimization Study; correct?</p> <p>15 A. That is correct, that's paragraph 2 of page</p> <p>16 4, or are you --</p> <p>17 Q. Paragraph 6 of page 4.</p> <p>18 A. Or Trends in Arrests For Child Pornography</p> <p>19 Possession, yes, that's at the NJOV study, that is</p> <p>20 correct.</p> <p>21 Q. Okay. Another one is the -- if we go to</p> <p>22 paragraph 10, United States General Accounting</p> <p>23 Office Study, File-Sharing Programs.</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And these are all of the studies</p>	<p>1 all of the time.</p> <p>2 Q. Now, these are all studies of arrests for</p> <p>3 child pornography; correct?</p> <p>4 A. That is -- well, there's a variety of</p> <p>5 things that are in these things, but primarily</p> <p>6 these are studies of arrests.</p> <p>7 Q. Of course not all possessors of child</p> <p>8 pornography are arrested; correct?</p> <p>9 A. There's no question that that's true.</p> <p>10 Q. Okay. So there is more child pornography</p> <p>11 than that reflected by these arrests; correct?</p> <p>12 A. Yes, there's more crime than that reflected</p> <p>13 by arrests also, that's generally the case.</p> <p>14 Q. Okay. Now, let's go to paragraph No. 5 on</p> <p>15 page 4. Now, could you read that and explain to me</p> <p>16 what you mean there?</p> <p>17 A. "On the author's report that there was" --</p> <p>18 Q. I'm sorry, page 4, paragraph 5.</p> <p>19 A. I'm sorry. "P-to-p users who were arrested</p> <p>20 were more likely to have images that depicted</p> <p>21 children younger than three, paren, (40 percent</p> <p>22 versus 23 percent of others, sexual penetration" --</p> <p>23 you have to forgive my lack of parentheses at the</p> <p>24 end of the others, but the -- after each percentage</p> <p>25 there should be a -- so, for example, younger than</p>
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<p>1 that you deemed credible?</p> <p>2 A. That is correct.</p> <p>3 Q. Now, did you review any other studies that</p> <p>4 you did not deem credible?</p> <p>5 A. That I do not deem credible?</p> <p>6 Q. Yeah, for the purpose of this report.</p> <p>7 A. I included here everything that I feel</p> <p>8 allows me to come to a reasonable conclusion.</p> <p>9 There are literally thousands of reports and</p> <p>10 pronouncements associated with child pornography,</p> <p>11 and I have reviewed as many of those as I can.</p> <p>12 These are the ones that I used in the formation of</p> <p>13 my opinion, and these are the ones that I believe.</p> <p>14 Q. Okay. Could you name one that you don't</p> <p>15 find credible?</p> <p>16 A. No, I couldn't review my materials and</p> <p>17 supply you with something that I feel is not</p> <p>18 credible. For example, in -- I should note that I</p> <p>19 did share this with Mr. Murray, there was a</p> <p>20 statement made by a U.S. congressman about how much</p> <p>21 pornography -- how big the industry, how much child</p> <p>22 pornography existed, and to the extent that this</p> <p>23 congressman had received testimony or looked at</p> <p>24 this issue, and that is a report or a research into</p> <p>25 the matter, those kinds of statements can be found</p>	<p>1 three, but pardon my lack of clarity here, 40</p> <p>2 percent versus 23 percent of others, closed parens,</p> <p>3 sexual penetration 93 versus 70 percent, and</p> <p>4 violence should be 39 versus 18 percent. Somehow,</p> <p>5 the additional percentage -- or the additional</p> <p>6 closed parens were eliminated. Forgive me for</p> <p>7 that.</p> <p>8 Q. So that 40 percent represents what?</p> <p>9 A. This is taken directly from the article</p> <p>10 that p-t-p users who were arrested have images</p> <p>11 depicting children younger than three, that 40</p> <p>12 percent represents the images depicting young</p> <p>13 children versus the -- the 40 percent versus 23</p> <p>14 percent of others as I recall.</p> <p>15 I may want to check that, because sexual</p> <p>16 penetration there refers to the 93 versus 78, but</p> <p>17 I -- and my recollection is to interpret this as a</p> <p>18 large percentage of images are children younger</p> <p>19 than three with that are prosecuted.</p> <p>20 Q. So 40 percent of P-to-P users who were</p> <p>21 arrested for child pornography had images of</p> <p>22 children younger than three; correct?</p> <p>23 A. Versus 23 percent of others, and then there</p> <p>24 may have been some other category, but I would have</p> <p>25 to review the article to --</p>

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<p style="text-align: right;">Page 109</p> <p>1 Q. And the 23 percent are others, meaning 2 other people that were arrested for child 3 pornography offenses that did not use P-to-P -- 4 P-to-P networks; correct? 5 A. No, it wasn't that didn't use P-to-P as I 6 understand it, but I will have to go back and 7 review it. It was of those that were arrested that 8 40 percent used P-T-P, and those were children 9 under the -- depicted that appeared to be under the 10 age of three. 11 Q. Okay. And the 23 percent, are those also 12 users of P-to-P networks? 13 A. And maybe -- 14 Q. So you don't know -- 15 A. That I have to -- yeah, I would have to 16 recheck that. 17 MR. BLADUELL: So if, Counsel, you can 18 verify that and provide us with a more accurate 19 statement. 20 THE WITNESS: Because I have not closed the 21 parentheses there. I should have. I'd be happy to 22 update that. 23 BY MR. BLADUELL: 24 Q. Okay. Now, are you saying there that P-to- 25 P users appear to have more images of -- that none</p>	<p style="text-align: right;">Page 111</p> <p>1 A. No, and this is, again, from Dr. Wolak's 2 report, and as I understand her report, she is 3 saying that of those that were arrested for child 4 pornography, 61 percent of those that were 5 possessors and arrested used P-to-P. 6 Q. But they could have used other means too; 7 correct? 8 A. Quite possibly, yes. 9 Q. Okay. Now, you don't know if those persons 10 arrested, those 61 percent, had images from -- 11 collected from commercial Web sites? 12 MR. MURRAY: Objection. 13 THE WITNESS: That information was not a 14 part of the report. 15 BY MR. BLADUELL: 16 Q. Okay. Now, on paragraph 7 you say that a 17 jump in arrests may be attributable to law 18 enforcements increasing sophistication and 19 conducting proactive investigations in P-to-P 20 venues. What is the basis for that statement? 21 A. Well, as indicated there, the authors 22 themselves do not conclude that the amount of child 23 pornography has increased over the years and that 24 it is their -- I'm summarizing their conclusion -- 25 that the growth in prosecutions may be attributable</p>
<p style="text-align: right;">Page 110</p> <p>1 P-to-P -- I'm sorry. Do you say from -- with those 2 numbers that none P-to-P users have more child 3 pornography images of older children? 4 A. That is possible. I mean, from this data, 5 these researchers suggest that among those P-to-P 6 users that are arrested, a substantial portion of 7 that is children under three. Is there a 8 possibility that there are children over the age of 9 three that are a part of P-to-P users, yes, if 10 that's the question, yes. 11 Q. Now, in paragraph 6 you're reporting in 12 2009 there was another jump in the percentage of 13 arrests -- arrested child pornography possessors 14 who use P-to-P file-sharing networks, and one 15 change reflected in the trends was the technology 16 used by arrested P-T-P possessors who accessed 17 child pornography. 18 In from 2009, 61 percent of arrested child 19 pornography possessors used peer-to-peer file- 20 sharing networks compared to 28 percent in 2006 and 21 only 4 percent in 2000. 22 Now, when you report that 61 percent of 23 child pornography possessors who use P-to-P 24 networks, are you saying that 61 percent 25 exclusively use P-to-P networks?</p>	<p style="text-align: right;">Page 112</p> <p>1 to law enforcement's increasing sophistication in 2 conducting proactive investigations in P-to-P. 3 Q. Is that something they said? 4 A. This is something that as I interpret it 5 Janis Wolak and David Finkelhor are saying. 6 Q. Now, paragraph 8 you talk about two 7 programs that the government uses to track child 8 pornography files, and one of the programs is 9 Operation Fairplay and the other program is 10 Operation Roundup; correct? 11 A. This is correct. 12 Q. And what you know about these programs 13 comes from the report to congress of August 2010; 14 correct? 15 A. That is correct. 16 Q. Do you have any knowledge of these programs 17 aside from what's reported in that report? 18 A. No, I do not. 19 Q. Now, these programs do not target child 20 pornography in commercial adult sites; correct? 21 A. As I understand it, these are programs that 22 target child pornography files as part of peer-to- 23 peer file-sharing. 24 Q. Okay. 25 A. Now, here is one distinction or addition I</p>

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<p>1 might include, and that is that in peer-to-peer 2 file-sharing commercial images can be shared, so 3 that, you know, is possible as well. 4 Q. So there could be child pornography images 5 from commercial sites that are shared in P-to-P 6 networks; correct? 7 A. Well, virtually, anything that can be 8 computerized can be shared in P-T-P. 9 Q. And it can go both ways; correct? 10 A. That is correct. 11 Q. Do you know of any law enforcement efforts 12 to track down child pornography in adult sites? 13 A. Well, I only know of what is reported 14 through discussions of 2257 in the fact that there 15 is recordkeeping that is mandated, and as I 16 understand it, there is periodically searches of 17 those records by law enforcement officials, but I 18 know of no report that tells me about the number of 19 searches that law enforcement officials have 20 undertaken. 21 Q. Okay. Now, you say that -- you say in your 22 report that these two operations have a watch list 23 of child pornography files; correct? 24 A. Yeah, that is what they report. 25 Q. About 300,000 child pornography files or a</p>	<p>1 Q. And there's a statement there from the 2 director of the study that reports in another 3 study; correct? 4 A. That is correct. 5 Q. And you report that they evaluated peer-to- 6 peer sharing networks and extracted a sample of 507 7 pornographic videos; correct? 8 A. Correct. 9 Q. Do you know how they selected that sample? 10 A. I only know the details that were reported 11 in the written report. 12 Q. And did the written report say how they 13 selected the sample? 14 A. There was some indication, but I do not 15 recall exactly the procedure for the sample. 16 Q. You don't know if it was a random sample? 17 A. I would have to review the materials. It 18 was a sample. Exactly what the parameters of the 19 sample was I do not recall. 20 Q. Now, 507 pornographic video files is not a 21 big sample in relation to the amount of 22 pornographic video files available on the Internet; 23 correct? 24 A. Well, it speaks for itself. I mean, the 25 question is what proportion is 507 of all possible</p>
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<p>1 little less than that? 2 A. 170, plus 120, roughly, yes. 3 Q. Now, you also say that these files are 4 included by law enforcement officials when they 5 determine that they represent the worst movies and 6 photographs of the most violent assaults with the 7 youngest victims of the child pornography images 8 they have seen; correct? 9 A. That is what they claim. 10 Q. So your understanding is not that they 11 include all child pornography files that they come 12 across with, correct, they select some of them? 13 A. These are the ones that concern them. 14 Q. So there are more files than the ones that 15 they include in the watch list? 16 A. Well, I think that can be applied from 17 worst that some have been siphoned off as being 18 egregious in some form. 19 Q. But there could be more pornography files 20 than those included in the watch list? 21 A. Yes. 22 Q. Now, you also talk in paragraphs 10 United 23 States General Accounting Office Study in 2003 24 entitled "File-Sharing Programs"; correct? 25 A. That is correct.</p>	<p>1 pornographic video files -- 2 Q. It's a very small sample. 3 A. Well, it is a small sample, but the 4 question is whether or not it's a reliable sample. 5 Q. Okay. And is it your view that that's a 6 reliable sample? 7 A. I think that that is a medium-sized sample 8 and that reliability is calibrated according to the 9 size of the sample and the quality with which it's 10 selected. 11 Q. Why do you say that it's a medium-sized 12 sample? 13 A. Because we, kind of, run into a period of 14 inefficiency once we move beyond certain numbers, 15 so you'll notice, for example, the sampling people 16 of the United States for presidential polls taps 17 out at around 12-hundred usually, and that's 18 because the amount of money and time it takes to 19 gain additional people in the sample is not worth 20 the efficiency that is gained in the measurement 21 there. 22 Q. And what would be a large site sample in 23 this context? 24 A. Well, a better sample would be one that 25 included perhaps 12-hundred, 15-hundred, because</p>

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<p style="text-align: right;">Page 117</p> <p>1 then you could establish conventional notions of 2 error around a sample of that size. 507, it's a 3 reasonable sample. It's better than two; it's 4 better than four; it's better than eight, but it's 5 an intermediate level, and so the competence 6 intervals around your estimation are going to be 7 larger than if it were a sample of 12-hundred, and 8 if you went to a sample of a million, you could 9 decrease it as well, but it's often times not worth 10 it for survey researchers to do that. 11 Q. So you're saying that in your view, 507 12 pornographic video files is an adequate sample? 13 A. I'm saying that it's -- it is a reasonable 14 sample that one can conclude something from it but 15 that the level of error associated with that is 16 higher than would be the case with the larger 17 sample. 18 Q. Now -- go ahead. Are you finished? 19 A. Yes. 20 Q. Now, do you know if in the study there were 21 reports of other samples? 22 A. I don't know of other samples reported in 23 the study. 24 Q. Okay. So in paragraph No. 11 you say, 25 "Child pornography is a very insubstantial</p>	<p style="text-align: right;">Page 119</p> <p>1 them into something useful for you, yes. 2 Q. I'm sorry, I didn't -- 3 A. To the extent that Google's search engine 4 is interested in taking your mistake, transposing 5 those letters, or so it assumed, and finding for 6 you something that the user would find to be 7 interesting or useful, yes, provided that that's 8 Google's protocol. 9 Q. So that search that you conducted, your 10 opinion is it's a reliable estimate of the number 11 of child pornography images available on Google? 12 A. Yes, I find it reliable. 13 Q. But you didn't actually review the hits; 14 correct? 15 A. No. There were millions, and I did not 16 review all of them. 17 Q. You don't know how many of those hits 18 actually have pictures; correct? 19 A. I have not looked at them. 20 Q. Some of the hits don't have pictures at 21 all? 22 A. I can be assured -- or I can assume that 23 many of the hits do not have pictures. 24 Q. Did you find a single child pornography 25 image through your Google hits search?</p>
<p style="text-align: right;">Page 118</p> <p>1 proportion of the overall commercial pornography 2 market"; correct? 3 A. That is correct. 4 Q. The basis for your conclusion is the 5 division of Web sites of Google hits that you 6 conducted? 7 A. Well, as I state here, it is -- it's 8 something that is admitted by law enforcement 9 officials themselves and then that 99 percent of 10 the material in this market is clearly identified 11 as adult pornography. 12 Q. Okay. But since you -- for your 13 calculation you typed in child "pron"; correct? 14 A. That is correct. 15 Q. Because typing "child porn" would not give 16 you reliable search hits for child pornography; 17 correct? 18 A. Yes. I think that it's problematic, and I 19 also don't from a legal perspective don't like to 20 do it. I do not want to do it. 21 Q. Are you saying that typing in "child pron" 22 would give you a reliable estimate of child 23 pornography available on Google? 24 A. I'm saying to the extent that Google is 25 interested in taking your mistakes and translating</p>	<p style="text-align: right;">Page 120</p> <p>1 MR. MURRAY: Objection. 2 THE WITNESS: No, I did not. 3 BY MR. BLADUELL: 4 Q. Now, you said that the fact is clearly 5 admitted -- in paragraph 11 on page 5, "This fact 6 is clearly admitted to by law enforcement 7 officials." 8 What law enforcement officials are you 9 talking about there? 10 A. I'm referring to -- as I recall, the 11 article by Dr. Finkelhor in which they point out 12 that law enforcement officials do not consider the 13 problem of barely legal, if you will, pornographic 14 depictions to be substantial. This is taken 15 directly from Dr. Finkelhor. 16 Q. Let's go to page 6 of your report, and in 17 paragraph 1, is that the section of Ms. Wolak and 18 Mr. Finkelhor's report that you're referring to? 19 A. Yes, that is -- 20 Q. And what they say there is, "Although there 21 have been controversies over borderline images such 22 as art photos of naked children and pictures of 23 older teens, such images play virtually no role in 24 cases where people have been arrested for child 25 pornography possession"; correct?</p>

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<p>1 A. That is correct.</p> <p>2 Q. What they say there is when there's a</p> <p>3 prosecution for child pornography, prosecutors do</p> <p>4 not use borderline images; correct?</p> <p>5 A. Yeah, that is correct.</p> <p>6 Q. They use images of younger children;</p> <p>7 correct?</p> <p>8 A. Well, their data involves cases in which</p> <p>9 people have been arrested, and Dr. Finkelhor</p> <p>10 concludes, as does Dr. Wolak, that controversies</p> <p>11 involving borderline images are not a part of this</p> <p>12 concern. I mean, the words speak for themselves,</p> <p>13 they play virtually no role in cases where people</p> <p>14 have been arrested for child pornography.</p> <p>15 Q. So do you interpret that statement as</p> <p>16 implying that in cases of arrest for child</p> <p>17 pornography they do not find images that are</p> <p>18 borderline?</p> <p>19 A. Well, that's not reported as part of this.</p> <p>20 Q. So -- but that's not what you interpret,</p> <p>21 right, from that statement?</p> <p>22 A. From the statement I interpret that if we</p> <p>23 are looking at pornography -- possession and</p> <p>24 pornography arrests, the borderline images are not</p> <p>25 of concern.</p>	<p>1 in collections of pornography and that they may</p> <p>2 range in age.</p> <p>3 Q. Okay. If we go to your Exhibit 4,</p> <p>4 Mr. Linz, this is Exhibit 4, this is a report from</p> <p>5 Janis Wolak; correct?</p> <p>6 A. That is correct.</p> <p>7 Q. And that is the author of the study that</p> <p>8 you report about in your report on page 6,</p> <p>9 paragraph No. 1; correct?</p> <p>10 A. Pardon me?</p> <p>11 Q. If we go back to your report on page 6 --</p> <p>12 A. Yes.</p> <p>13 Q. -- paragraph No. 1 --</p> <p>14 A. Uh-huh, yes.</p> <p>15 Q. Janis Wolak is the same person --</p> <p>16 A. Yes, that is correct, I'm sorry.</p> <p>17 Q. Okay. That wrote the report, Exhibit</p> <p>18 No. 4?</p> <p>19 A. Yes, that is correct.</p> <p>20 Q. Okay. And in this report it says it is not</p> <p>21 correct to conclude that most child pornography</p> <p>22 involves prepubescent children --</p> <p>23 A. I'm not sure where you are, though, in</p> <p>24 the --</p> <p>25 Q. I'm sorry, page 3.</p>
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<p>1 Q. Of concern, what do you mean by that?</p> <p>2 A. Well, there I take the words of the authors</p> <p>3 themselves who say, "play virtually no role in</p> <p>4 cases where people have been arrested for child</p> <p>5 pornography possession."</p> <p>6 Q. So you interpret that as saying that people</p> <p>7 that are arrested for child pornography are not</p> <p>8 found with borderline images?</p> <p>9 A. No, I'm not saying that. I'm saying that</p> <p>10 the problem, according to this statement and</p> <p>11 according to these researchers, of confusability in</p> <p>12 borderline images is not something that law</p> <p>13 enforcement has reported as being a part of their</p> <p>14 investigations involving child pornography and</p> <p>15 those arrested.</p> <p>16 Q. Now, do you know from the studies that you</p> <p>17 have conducted -- or that you have reviewed if</p> <p>18 people arrested for child pornography have images</p> <p>19 that are borderline -- by borderline, I mean</p> <p>20 between, that is not clear if the individual is a</p> <p>21 child or not?</p> <p>22 A. Do I know?</p> <p>23 Q. Yes.</p> <p>24 A. From what I've read, there's the</p> <p>25 possibility that many kinds of images are included</p>	<p>1 A. Under the title "Child Pornography Depicts</p> <p>2 Teens Younger than 18."</p> <p>3 Q. Yeah.</p> <p>4 A. Paragraph 1?</p> <p>5 Q. Yes. Ms. Wolak writes, "It is not correct</p> <p>6 to conclude that most child pornography involves</p> <p>7 prepubescent children who could not be confused</p> <p>8 with adults. We have consistently found that the</p> <p>9 majority of persons arrested for possessing child</p> <p>10 pornography have images of both younger children</p> <p>11 and teens.</p> <p>12 "Research we conducted between 2000 and</p> <p>13 2009 found that at least two-thirds of suspects</p> <p>14 arrested for possession of child pornography had</p> <p>15 images of children ages 13 to 17"; correct?</p> <p>16 A. That is correct, that is what she states.</p> <p>17 Q. Do you have any reason to doubt the</p> <p>18 accuracy of that statement?</p> <p>19 A. I don't doubt the accuracy of the</p> <p>20 statement, but I -- what I would be concerned about</p> <p>21 here is the relevance to the idea of distinguishing</p> <p>22 between -- the difficulty in distinguishing teens</p> <p>23 from adults.</p> <p>24 Q. Okay. But --</p> <p>25 A. Because if she finds that two-thirds of the</p>

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1 suspects arrested for child pornography had images
2 of children ages 13 to 17 that presupposes that she
3 knows these children are 13 to 17 and that implies
4 to me that there's no confusion.

5 Q. Okay. But do you doubt that -- about the
6 accuracy of the facts in this statement?

7 A. Well, what I doubt is what I just
8 specified. I mean, I think that there is
9 undoubtedly the case that suspects that are
10 arrested for child pornography had images of
11 children older than three, let's say, as a lower
12 bound; however, for her to make the statement that
13 there are children ages 13 to 17 is of interest to
14 me because it implies that she is able to
15 distinguish and more accurately identify these as
16 13- to 17-year-olds, and that applies to me that
17 there's no confusion.

18 So if this first statement goes to the
19 title, "Child pornography depicts teens younger
20 than 18, and it can be difficult to distinguish
21 teens from adults," apparently not because she's
22 able to do so here.

23 Q. But you don't know if she was the one
24 identifying these children as 13 to 17; correct?

25 A. Well, I presume that if she is reporting it

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1 here that she believes that that is the
2 classification.

3 Q. But that could have been something that the
4 police determine; correct?

5 A. Well, that's possible, yes, but she doesn't
6 report that as something the police determined, she
7 reports that as her opinion about the ages of the
8 children.

9 Q. Well, she reports that at least two-thirds
10 of the suspects had images of 13 to 17; correct?

11 A. That is what -- if you're rereading her
12 statement, I agree with you entirely.

13 Q. But she doesn't say that I determined that
14 these children are 13 to 17; correct?

15 A. Well, I don't know, because if she says
16 it's not correct to conclude at the beginning of
17 her statement, that means that everything that
18 follows that is, in fact, her opinion about what
19 she can conclude, right? So she says it's not
20 correct to conclude that pubescent children are not
21 confused with adults, right? So then she goes on
22 to tell us that, in fact, these suspects have
23 pornography which is clearly 13- to 17-year-olds.

24 Q. Okay. So you basically interpret that
25 statement as if she is saying I have determined

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1 that these children were 13 to 17?

2 A. Well, let's put it this way, if it's
3 difficult to distinguish, how does she know this?
4 If her statement is logically that I can't
5 distinguish and then she distinguishes for me, I
6 have a difficult time understanding that.

7 Q. Now, as to the question of whether the
8 suspects have images of children 13 to 17, your
9 understanding is that she was the one who made the
10 determination that these children were 13 to 17?

11 A. My understanding is that she concludes that
12 there is a number of children that are included
13 that are prepubescent and that it's not correct to
14 say that these cannot be confused with adults, and
15 then she says consistently, "I find that this is
16 the case," these are her statements, and then she
17 says that research that she's conducted between
18 2000 to 2009 find that at least two-thirds of
19 suspects arrested had images of children 13 to 17.

20 Now, she doesn't report here what would
21 seem to me to be relevant information, which is how
22 much of that was confusing. She reports apparently
23 a category of non-confusion, which is 13 to 17, so
24 her conclusion doesn't follow so clearly from her
25 initial statement. Is it her conclusion? I would

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1 have to conclude yes, it is, because she starts out
2 with, "It is not correct to conclude." I presume
3 that paragraph No. 1 is her conclusion about what's
4 not proper to conclude. Make sense?

5 Q. She also says here, "When we examine
6 arrests" -- in paragraph 2, "When we examine
7 arrests for child pornography production, we found
8 that the biggest area of growth was in images of
9 teenagers ages 13 to 17"; correct?

10 A. That is what she said, yes.

11 Q. Do you have any reason to doubt the
12 accuracy of that statement?

13 A. No, I do not.

14 Q. She also says, "The percent of arrest
15 involving teen victims increased from 47 percent in
16 2000 from 70 percent in 2009, while the number of
17 arrests for technology-facilitated child
18 pornography production increased from an estimated
19 402 in 2000 and 1,910 in 2009"; correct?

20 A. That is what she states, yes.

21 Q. Do you have any reason to doubt the
22 accuracy of that statement?

23 A. I don't doubt the accuracy. I do question
24 what she is referring to by technology-facilitated
25 child pornography. I am assuming some sort of

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<p>1 computer-enhanced or computer-manipulated image.</p> <p>2 Q. Well, let's take the first -- there's two</p> <p>3 statements there in that sentence; correct? The</p> <p>4 first one is, "The percent of arrests involving</p> <p>5 teen victims increased from 47 percent in 2000 from</p> <p>6 70 percent in 2009"; correct?</p> <p>7 A. That is correct. So just take that part</p> <p>8 first?</p> <p>9 Q. Yes. Do you have any reason to doubt the</p> <p>10 accuracy of that statement?</p> <p>11 A. No, I do not.</p> <p>12 Q. Okay. Now, if we go to the last sentence</p> <p>13 of paragraph 2, "Further, the Child Victim</p> <p>14 Identification Program operated by NCMEC found that</p> <p>15 56 percent of victims picturing child pornography</p> <p>16 and identified through their program were</p> <p>17 prepubescent when the images were created."</p> <p>18 Did I read that accurately?</p> <p>19 A. Yes. You're a good reader.</p> <p>20 Q. Do you have any reasons to doubt the</p> <p>21 accuracy of that statement?</p> <p>22 A. Well, again, think about this logically, if</p> <p>23 in fact she is saying that 56 percent of the</p> <p>24 victims are pictured can be identified reliably as</p> <p>25 13 to 17, then there seems to be no confusion or no</p>	<p>1 A. Well, that's something that I don't</p> <p>2 necessarily have an opinion about because she is</p> <p>3 attributing a motive to a prosecution that she</p> <p>4 apparently knows about that I'm not necessarily</p> <p>5 privy to. My research and my general knowledge</p> <p>6 suggests that prosecutors like to prosecute on</p> <p>7 those situations which they -- situations in which</p> <p>8 they can prove their cases and that there's not</p> <p>9 reasonable doubt and they want to be as clear as</p> <p>10 possible as to the age of the victim.</p> <p>11 Q. So that statement would be consistent with</p> <p>12 your knowledge?</p> <p>13 A. It's my -- yeah, consistent with my</p> <p>14 knowledge of what prosecutors do, yes.</p> <p>15 Q. Okay. Can we go back to your report,</p> <p>16 Mr. Linz, on page 5 in paragraph 11, your opinion B</p> <p>17 says, "Well over 99 percent of material in this</p> <p>18 market is clearly identifiable as adult</p> <p>19 pornography"; correct?</p> <p>20 A. That's correct.</p> <p>21 Q. And what is the basis for that statement?</p> <p>22 A. Well, that is based on our -- the</p> <p>23 calculation of our percentages.</p> <p>24 Q. Any other basis?</p> <p>25 A. Aside from my examination of similar</p>
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<p>1 difficulty. She's telling me nothing about the</p> <p>2 difficulty for distinguishing adults from teens.</p> <p>3 Q. Right, but I'm not talking about the</p> <p>4 difficulties but talking about the fact that 56</p> <p>5 percent were -- of the victims were pubescent.</p> <p>6 A. I read that statement as saying apparently</p> <p>7 law enforcement is able to reliably indicate there</p> <p>8 is a prepubescent victim and that they are able now</p> <p>9 to prosecute on that basis and that those</p> <p>10 prosecutions have increased.</p> <p>11 Q. And that 56 percent of the victims were</p> <p>12 pubescent at the time the images were created?</p> <p>13 A. Not only are they pubescent, they are</p> <p>14 reliably identified as such.</p> <p>15 Q. So no question about accuracy of that</p> <p>16 statement?</p> <p>17 A. No. It's relevancy I question.</p> <p>18 Q. Right, you can.</p> <p>19 Now, in paragraph 3 the middle sentence</p> <p>20 says, "Prosecutors often prefer to charge images</p> <p>21 that show prepubescent children because it is</p> <p>22 apparent those victims meet the age criteria" --</p> <p>23 A. That is correct.</p> <p>24 Q. -- correct?</p> <p>25 Is that accurate in your view?</p>	<p>1 material, no.</p> <p>2 Q. By examination of similar material?</p> <p>3 A. In that I have seen hundreds of thousands</p> <p>4 of pornographic images conducted through similar</p> <p>5 sources in which we use the denominator porn.</p> <p>6 Q. Wait, are you saying that you have done</p> <p>7 this calculation before?</p> <p>8 A. No, no, I have not done the calculation.</p> <p>9 I'm saying that if the denominator is porn, I have</p> <p>10 searched with that term and I have seen --</p> <p>11 Q. Meaning that you have examined --</p> <p>12 A. Yes.</p> <p>13 Q. -- pornographic images for your studies;</p> <p>14 correct?</p> <p>15 A. That is correct.</p> <p>16 Q. And you're saying that -- based on your</p> <p>17 research you're saying that your research of this</p> <p>18 your examination of this website is consistent with</p> <p>19 the notion that 99 percent of the material in this</p> <p>20 market is clearly identifiable as adult</p> <p>21 pornography?</p> <p>22 A. I'm saying not only is that the case</p> <p>23 because it's been tagged with the term "porn" by</p> <p>24 those that are attempting to distribute it, but it</p> <p>25 is -- the question always is does that 99 percent</p>

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<p>1 represent -- or to what extent does the one percent 2 represent, some, sort of, overbreadth, you know, or 3 the extent to which there are images that are being 4 scooped up and prosecuted. 5 So my percentage is the best available 6 information that I have about the degree of 7 overbreadth through this calculation and that to 8 the extent that 2257 and 2257A represents an 9 overburden, this is my best estimate of what that 10 overburden is. 11 Q. The overburden is 99 percent? 12 A. Well, that the recordkeeping requirements 13 for 100 percent of the people when 99 percent of 14 the material and people do not represent the 15 problematic category, that that constitutes a form 16 of overbreadth. 17 Q. But of that 99 percent of the material -- I 18 mean, for this report you didn't actually look at 19 any images? 20 A. For this report I did not look at all of 21 the 99 percent images, no, but I have looked at 22 similar Web sites in the past. 23 Q. Now, how do you say that, if you had not 24 looked at all of the images, how do you say that 25 the market is clearly identifiable as adult</p>	<p>1 A. These were thought to be reasonable ways 2 that could be searched based on my experience in 3 the area of studying pornography. 4 Q. And so can you explain why are those search 5 terms relevant based on your experience? 6 A. Why search terms such as the -- for 7 example -- 8 Q. The ones that you put in there. 9 A. Well, taking for example teen porn -- 10 Q. Right. 11 A. -- on page 14, my experience has been that 12 the term "teen porn" is applied to a large amount 13 of pornography, and that if one wants to understand 14 what percentage of the pornography market is 15 devoted to the depiction of those persons, let's 16 say, 18 years, 19 years of age and older, that 17 "teen porn" is a good search term, that it yields 18 thousands, if not millions, if not hundreds of 19 millions, of possible URLs and images. 20 Q. Now, the images that come up in the search 21 of teen porn are of individuals that are what age? 22 A. My assumption is that they are all 23 individuals over the age of 18. 24 Q. And are they of individuals over the age of 25 20?</p>
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<p>1 pornography? 2 A. Because the citations that I see from the 3 searches are very similar to the other citations 4 that I have viewed in the past, and my 5 determination has been that that has been adult, 6 not child pornography. 7 Q. Mr. Linz, it's accurate to say that for 8 making this statement you're primarily relying on 9 the division of Google hits; correct? 10 A. Yes. 11 Q. Not on actual examination of images? 12 A. That is correct, and that I'm relying on 13 Google hits, but I am familiar with the kinds of 14 hits that I'm seeing in this Google search. 15 Q. Now, you didn't select a random sample of 16 pornographic websites to review; correct? 17 A. No, I did not. 18 Q. Now, you were talking about conversations 19 with Mr. Douglas to determine the terms to put in 20 the enumerator -- 21 A. Yes. 22 Q. -- correct? 23 And how do you come about the search 24 terms -- I'm sorry, how do you determine the search 25 terms?</p>	<p>1 A. Many times. 2 Q. So individuals over the age of 20 could 3 look like teens; correct? 4 A. Well, anyone can look like a teen. 5 Q. Even a 50-year-old? 6 A. Even me, I could look like a teen with 7 proper alteration I'm sure. 8 Q. What kind of alteration? 9 A. I can walk down the street here actually 10 and find you three people that could turn me into a 11 teen through plastic surgery. 12 Q. Okay. So the term "teen porn" would not 13 only capture images of 18 year olds and 19 year 14 olds, it could capture many images of people, you 15 know, in all different kinds of ages; correct? 16 MR. MURRAY: Objection. 17 THE WITNESS: I don't -- I don't know how 18 that it captures anyone under the age of 18. My 19 viewing of these materials suggests that I have 20 never -- my experience never have I seen using the 21 term "teen porn" a tremendous amount of 22 indistinguishable material. I have been able in 23 almost every case to say that this is not a child. 24 BY MR. BLADUELL: 25 Q. But in some cases you're not sure?</p>

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1 A. I am sure that there are cases in which
2 there are -- that the person is difficult to
3 distinguish. Do I assume that that person is under
4 the age of 18, no.

5 Q. But it's impossible for you to know when
6 you're doing searches and you look at an image the
7 exact age of the person; correct?

8 MR. MURRAY: Objection.

9 THE WITNESS: It's impossible for anyone
10 ultimately to know the exact age of anybody in any
11 image.

12 BY MR. BLADUELL:

13 Q. Okay. And it's possible that a teen porn
14 search could capture images of sexually explicit
15 images of individuals under the age of 18?

16 A. It is --

17 MR. MURRAY: Objection.

18 THE WITNESS: It is possible, but as I've
19 tried to indicate here, extremely unlikely.

20 BY MR. BLADUELL:

21 Q. And do you know the physical differences
22 between a 17-year-old and an 18-year-old?

23 MR. MURRAY: Objection.

24 THE WITNESS: These are -- this is a
25 spectrum and so that -- and there's a mean around

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1 which people cluster in terms of secondary sexual
2 characteristics.

3 BY MR. BLADUELL:

4 Q. No, but the question is, do you know the
5 actual differences between a 17-year-old and a
6 19-year-old?

7 MR. MURRAY: Objection.

8 THE WITNESS: That is somewhat variable,
9 but for the most part, is there a point at which
10 one can establish that a 17-year-old is different
11 from a 19-year-old?

12 MR. BLADUELL: Do you know the differences?

13 MR. MURRAY: Objection.

14 BY MR. BLADUELL:

15 Q. The physical differences between a 17-year-
16 old and a 19-year-old?

17 MR. MURRAY: Objection.

18 THE WITNESS: Am I a biologist? No.

19 MR. BLADUELL: No, the question is --

20 THE WITNESS: Have I conducted a content
21 analysis of those differences, to the extent that
22 we have used those types of images in our research
23 that I can say that I have seen teen pornography.
24 Can I tell you exactly at what point there's a
25 demarcation, no.

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1 BY MR. BLADUELL:

2 Q. You're not trained in maturation protocols?

3 A. No, that is not a specialty of mine.

4 Q. You don't have any training on determining
5 someone's age by visual observation?

6 A. It is my scientific understanding, however,
7 that the exact pinpoint of an age would be
8 difficult without actual medical testing.

9 Q. For some pictures of people, it would be
10 very difficult to distinguish if they're 17 or 18,
11 if they're around that age?

12 A. There's no question that there are
13 situations which it's difficult to determine.

14 Q. Okay.

15 MR. MURRAY: Do you have any more
16 questions?

17 MR. BLADUELL: Yes.

18 MR. MURRAY: Okay. Please ask one.

19 BY MR. BLADUELL:

20 Q. In paragraph No. 12 --

21 A. Of.

22 Q. -- of page 5.

23 A. Exhibit 2?

24 Q. Yes. You say, "Child pornography,
25 according to law enforcement and my own

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1 estimations, is not distributed through the usual
2 commercial means by which adult pornography is
3 disseminated"; correct?

4 A. That is correct.

5 Q. And why do you say "according to law
6 enforcement"?

7 A. Both because of the peer-reviewed articles
8 that I've read and -- which that is stated by
9 Dr. Finkelhor and others, but my reading of the
10 reports by law enforcement officials who have
11 directed their attention to peer-to-peer networks
12 as apparently the most fruitful area for
13 discovering child pornographers.

14 Q. And these reports are -- the law
15 enforcement reports that you are citing are not the
16 ones from Finkelhor and Wolak?

17 A. Well, Finkelhor and Wolak report on law
18 enforcement activities.

19 Q. But you say that there's other reports
20 directly from law enforcement -- from law
21 enforcement authorities.

22 A. I'm saying in the totality of my reading
23 investigations it suggests that law enforcement is
24 most concerned about peer-to-peer networks, that
25 seems to be the place where this sort of traffic

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<p style="text-align: right;">Page 141</p> <p>1 occurs. Go ahead.</p> <p>2 Q. But are there specific law enforcement</p> <p>3 reports that you're referring to here?</p> <p>4 A. I'm referring to everything that I have</p> <p>5 referenced in paragraphs above.</p> <p>6 Q. Okay. You're not referring to anything</p> <p>7 that's not referenced?</p> <p>8 A. No.</p> <p>9 Q. Now, you say, "Most successful law</p> <p>10 enforcement efforts are directed to materials</p> <p>11 shared on peer-to-peer networks"; correct?</p> <p>12 A. That is correct.</p> <p>13 Q. But that doesn't mean that there is</p> <p>14 material child pornography outside of these peer-</p> <p>15 to-P networks; correct?</p> <p>16 A. There is undoubtedly child pornography</p> <p>17 outside of peer-to-peer networks.</p> <p>18 Q. Okay.</p> <p>19 MR. MURRAY: Do you have another question?</p> <p>20 MR. BLADUELL: Yeah, let me take a break.</p> <p>21 THE WITNESS: Can I take a break, too?</p> <p>22 MR. BLADUELL: Yeah.</p> <p>23 (Off the record.)</p> <p>24 BY MR. BLADUELL:</p> <p>25 Q. Page 6 of your report, Mr. Linz --</p>	<p style="text-align: right;">Page 143</p> <p>1 formed as well.</p> <p>2 Q. Now, in the second paragraph here -- well,</p> <p>3 when we were talking about the ratios that you</p> <p>4 performed, for the measure to be accurate, you have</p> <p>5 to have an accurate amount in the enumerator;</p> <p>6 correct?</p> <p>7 MR. MURRAY: Objection.</p> <p>8 BY MR. BLADUELL:</p> <p>9 Q. For the proportion, the end result, to be</p> <p>10 accurate of what you are arguing, you have to have</p> <p>11 an accurate enumerator and denominator; correct?</p> <p>12 A. That is correct.</p> <p>13 Q. If you have an inaccurate enumerator or</p> <p>14 denominator, then the proportion would be</p> <p>15 inaccurate; correct?</p> <p>16 A. That is true with any proportion.</p> <p>17 Q. Now, when you put in "teen porn" for the</p> <p>18 search, to do the search for hits, now, did they do</p> <p>19 the calculation with teen porn with quotes or</p> <p>20 without quotes?</p> <p>21 MR. MURRAY: Objection.</p> <p>22 THE WITNESS: That I would have to review,</p> <p>23 but I think that it is with quotes, "teen porn."</p> <p>24 BY MR. BLADUELL:</p> <p>25 Q. In your report in -- if we go to the</p>
<p style="text-align: right;">Page 142</p> <p>1 A. Yes.</p> <p>2 Q. -- there's a heading "Of the quantity of</p> <p>3 child pornography, what is the quantity that</p> <p>4 depicts older adolescents"; correct?</p> <p>5 A. That is correct.</p> <p>6 Q. And that's also one of the topics that</p> <p>7 Mr. Murray asked you to render an opinion on;</p> <p>8 correct?</p> <p>9 A. That is correct.</p> <p>10 Q. Have you previously conducted research on</p> <p>11 this question?</p> <p>12 A. No. The question that -- the research is</p> <p>13 reported here that I conducted.</p> <p>14 Q. No publications on this topic; correct?</p> <p>15 A. No.</p> <p>16 Q. Have you been qualified by a court to be an</p> <p>17 expert on this topic?</p> <p>18 A. No, I have not.</p> <p>19 Q. Now, your opinion is that most child</p> <p>20 pornography depicts younger children; correct?</p> <p>21 A. That is correct.</p> <p>22 Q. But that opinion is based on the images</p> <p>23 that have been recovered from arrests for child</p> <p>24 pornography; correct?</p> <p>25 A. Partially, and then the ratios that we</p>	<p style="text-align: right;">Page 144</p> <p>1 page --</p> <p>2 A. If you go to 6.</p> <p>3 Q. Yeah, but if you go to 14, the actual</p> <p>4 Google search page, it doesn't appear that there</p> <p>5 were quotes there; correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. So paragraph No. 2 does not</p> <p>8 accurately reflect the search term that was</p> <p>9 performed?</p> <p>10 MR. MURRAY: Objection.</p> <p>11 BY MR. BLADUELL:</p> <p>12 Q. Because in paragraph No. 2, the term "teen</p> <p>13 porn" is within quotes; correct?</p> <p>14 A. That is true.</p> <p>15 MR. MURRAY: Objection, that is a totally</p> <p>16 misleading question to say that that's inaccurate.</p> <p>17 It assumes why -- it assumes -- well, okay.</p> <p>18 MR. BLADUELL: You make your objection,</p> <p>19 Counsel.</p> <p>20 Q. In paragraph No. 2 on page 6, teen porn,</p> <p>21 the last sentence, do you see it there, the term?</p> <p>22 A. In paragraph No. 2, yes, I do.</p> <p>23 Q. And that is between quotes; correct?</p> <p>24 A. That is correct.</p> <p>25 Q. But if we look in page 14 when it's typed,</p>

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<p>1 this is a printout of the search term "teen porn"; 2 correct? 3 A. That is correct. 4 Q. And the term "teen porn" is not within 5 quotes? 6 MR. MURRAY: Objection, totally misleading 7 question, totally unfair and appropriate, but go 8 ahead and answer it. 9 BY MR. BLADUELL: 10 Q. Is the term "teen porn" within quotes? 11 A. No, it is not. 12 Q. If we look at page 11 of Appendix A, do you 13 see that there's a term "teen pron" on top; 14 correct? 15 A. That is correct. 16 Q. And that's not in quotation marks either; 17 correct? 18 A. It is not. 19 Q. Now, you divided the number of hits tagged 20 as teen porn by the number of hits tagged as porn; 21 correct? 22 A. That is correct. 23 Q. And that gave you a proportion of .0210; 24 correct? 25 A. That is correct.</p>	<p>1 example. 2 Q. And besides "teenage porn"? 3 A. This is the most common one. 4 Q. But there are other terms? 5 MR. MURRAY: Objection. How many times are 6 you going to ask the same question? 7 Go ahead, answer it a fourth time. 8 THE WITNESS: One could use 18-year-old for 9 example. 10 MR. BLADUELL: 18-year-old. Okay. 11 Q. And 19-year-old; correct? 12 A. That is correct. 13 Q. Could one use the term "college porn"? 14 A. I don't think so. I mean, I think that 15 that implies something much older. 16 Q. But some teens do to college -- when do 17 people usually start college? 18 MR. MURRAY: Objection. 19 THE WITNESS: 18 and above. 20 MR. MURRAY: Don't forget about the 21 prodigies. 22 BY MR. BLADUELL: 23 Q. Are you familiar with the genre college 24 porn? 25 A. Yes.</p>
Page 146	Page 148
<p>1 Q. That's 2 percent; correct? 2 A. That is correct. 3 Q. Now, is it your opinion that teen porn is 4 2 percent of the pornography available on the 5 Internet? 6 A. By this ratio, yes. 7 Q. Is that consistent with what you've seen of 8 the pornography market? 9 A. Yes, I would say that's consistent with 10 what I've seen. 11 Q. So your opinion is 2 percent of the whole 12 pornography market available on the Internet is 13 teen porn? 14 A. I think that one could use other terms 15 which would get you teen porn, but that is the best 16 approximation that I can bank. 17 Q. Okay. Are there other terms that would 18 also capture teen porn? 19 A. Well, one could type in "teenage porn" for 20 example, but "teen porn" is the colloquial term 21 that I've seen used most often for people that are 22 searching -- or that have yielded -- searches that 23 have yielded images of teen porn. 24 Q. And are there other terms? 25 A. Well, as I said, "teenage porn" for</p>	<p>1 Q. Some of the people depicted in that genre 2 are teens; correct? 3 A. Yes. 4 Q. Now, there could also be teen porn images 5 in Google not tagged as teen porn; correct? 6 A. That is correct. 7 Q. That would not be captured by the search 8 that was conducted for this report; correct? 9 A. Unlikely, but yes. 10 Q. Now, in the term "porn," there are a lot of 11 search terms that are not about images of porn; 12 correct? 13 A. That is correct. 14 Q. So it's accurate to say that the proportion 15 is about pages tagged as porn and child porn; 16 correct? 17 MR. MURRAY: Objection. Do you mean 18 child -- did you mean child porn? 19 MR. BLADUELL: Teen porn. 20 THE WITNESS: It is -- I'm sorry, I 21 didn't -- 22 BY MR. BLADUELL: 23 Q. The ratio that you calculated is about 24 pages tagged as -- 25 A. Tagged.</p>

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<p>1 Q. -- as teen porn?</p> <p>2 A. That is correct.</p> <p>3 Q. Not necessarily of pages containing teen</p> <p>4 porn?</p> <p>5 A. They are teen porn pages.</p> <p>6 Q. But there are teen porn pages that are</p> <p>7 not -- could not -- are not tagged as teen porn?</p> <p>8 MR. MURRAY: Objection. Wasn't that the</p> <p>9 same question as three questions ago?</p> <p>10 Go ahead, give him the same answer.</p> <p>11 THE WITNESS: While it is -- that is</p> <p>12 possible those people that are interested in teen</p> <p>13 porn can assume that those are accurate terms.</p> <p>14 BY MR. BLADUELL:</p> <p>15 Q. Are you assuming that every teen porn site</p> <p>16 is tagged as teen porn in Google?</p> <p>17 MR. MURRAY: Objection.</p> <p>18 THE WITNESS: In the vast majority of</p> <p>19 cases, yes.</p> <p>20 BY MR. BLADUELL:</p> <p>21 Q. Now, in page 6, paragraph 3, you opine that</p> <p>22 the vast majority of pornographic material in the</p> <p>23 commercial domain involves persons that any law</p> <p>24 enforcement officer would concluded as an adult;</p> <p>25 correct?</p>	<p>1 A. Yes.</p> <p>2 What time is it? Only because my daughter</p> <p>3 gets out of --</p> <p>4 Q. 1:30.</p> <p>5 A. Okay. We're fine.</p> <p>6 Q. Have you ever published the question that</p> <p>7 the vast majority of pornographic material in the</p> <p>8 commercial domain involves people that any law</p> <p>9 enforcement officer would conclude as an adult?</p> <p>10 A. Have I ever published this opinion, aside</p> <p>11 from this report?</p> <p>12 Q. Yes.</p> <p>13 A. No, I have not.</p> <p>14 Q. Now, is it your opinion that 2257 the</p> <p>15 statute that we are -- that is the issue in this</p> <p>16 litigation should only apply to teen porn?</p> <p>17 MR. MURRAY: Objection.</p> <p>18 THE WITNESS: No, I don't know that I can</p> <p>19 answer that question. You're asking me a legal</p> <p>20 question. I'm not sure I can --</p> <p>21 BY MR. BLADUELL:</p> <p>22 Q. What is your opinion about the legitimate</p> <p>23 publications of age verification?</p> <p>24 MR. MURRAY: Objection. You mean the</p> <p>25 statute or generally age of verification?</p>
Page 150	Page 152
<p>1 A. That is correct.</p> <p>2 Q. And the basis of your opinion is the</p> <p>3 calculation that you made?</p> <p>4 A. That is correct.</p> <p>5 Q. Not the actual -- reviewing the actual</p> <p>6 content of the pages?</p> <p>7 A. I did not review all pages, no.</p> <p>8 Q. And you're saying that only 2 percent of</p> <p>9 pornographic pages could be confusing in terms of</p> <p>10 determining if we're dealing with an adult or a</p> <p>11 child?</p> <p>12 A. Well, I'm saying that two percent is what</p> <p>13 is yielded when one types in the term "teen porn."</p> <p>14 However confusing may be a very, very small portion</p> <p>15 of the teen porn portion of this.</p> <p>16 Q. But there could be other images not</p> <p>17 gathered by the teen porn search that could be</p> <p>18 confusing in terms of determining if the person is</p> <p>19 adult an or child; correct?</p> <p>20 A. Well, no, that's not my assumption here.</p> <p>21 What I would maintain is that 98, 99 percent is not</p> <p>22 confusing.</p> <p>23 Q. Based on this --</p> <p>24 A. Yes.</p> <p>25 Q. -- search?</p>	<p>1 MR. BLADUELL: The statute.</p> <p>2 MR. MURRAY: Objection.</p> <p>3 THE WITNESS: Maybe you can ask me --</p> <p>4 rephrase that. I'm not sure what you mean. My</p> <p>5 opinion is that 2257 is overly broad and that most</p> <p>6 of the vast majority of the materials is easily</p> <p>7 identifiable.</p> <p>8 BY MR. BLADUELL:</p> <p>9 Q. And the consequence of that is that 2257 --</p> <p>10 sexually explicit -- producers of sexually explicit</p> <p>11 material should not be required to comply with the</p> <p>12 age verification requirements of 2257 for material</p> <p>13 that is not --</p> <p>14 MR. MURRAY: Hold on, let him finish the</p> <p>15 question, Dr. Linz.</p> <p>16 Did you finish your question?</p> <p>17 MR. BLADUELL: -- for material that is not</p> <p>18 borderline?</p> <p>19 MR. MURRAY: And I have an objection to</p> <p>20 that question.</p> <p>21 THE WITNESS: Okay. I would have to say</p> <p>22 that's a legal conclusion. My opinion is that</p> <p>23 99.99 percent of material is non-confusing.</p> <p>24 BY MR. BLADUELL:</p> <p>25 Q. And for that material, your opinion is that</p>

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<p>1 2257 the age verification should not apply?</p> <p>2 MR. MURRAY: Objection. He is not going to</p> <p>3 give you -- he's already told you he is not going</p> <p>4 to give you a legal opinion. You can ask it five</p> <p>5 times, but he is not required to have an opinion on</p> <p>6 that subject.</p> <p>7 MR. BLADUELL: You can go ahead and answer</p> <p>8 it.</p> <p>9 MR. MURRAY: Answer it.</p> <p>10 THE WITNESS: No, I have no opinion on --</p> <p>11 that seems to me to be a legal question. I would</p> <p>12 stand by the opinion that the vast majority of the</p> <p>13 material 99.99 percent is not confusable material.</p> <p>14 BY MR. BLADUELL:</p> <p>15 Q. Okay. Now, let's go the bottom paragraph</p> <p>16 here on page 6 of Exhibit No. 2. It says,</p> <p>17 "Pedophiles are most interested in depictions of</p> <p>18 prepubescent children and have no interest in</p> <p>19 teenagers who might be confused as young adults";</p> <p>20 correct?</p> <p>21 A. That is correct.</p> <p>22 Q. And that's another opinion that you were</p> <p>23 asked to provide in this report; correct?</p> <p>24 A. That is correct.</p> <p>25 Q. And you have not been qualified as an</p>	<p>1 2012; correct?</p> <p>2 A. There is a report by Sheldon and Howitt</p> <p>3 which has also said there is no meaningful sense in</p> <p>4 which offenders accidentally come across child</p> <p>5 pornography when viewing adult pornography.</p> <p>6 Q. And do you interpret that as suggesting</p> <p>7 that pedophiles are only interested in images of</p> <p>8 younger children?</p> <p>9 A. I interpret it as meaning that pedophiles</p> <p>10 are most interested in that and that are most</p> <p>11 aroused and excited by those images that are</p> <p>12 clearly childlike.</p> <p>13 Q. But possessors of -- not all possessors of</p> <p>14 child pornography are pedophiles; correct?</p> <p>15 A. It is possible that you can make</p> <p>16 distinction between a pedophile per se and a child</p> <p>17 molester and both may possess child pornography.</p> <p>18 Q. But of the people that are arrested for</p> <p>19 child pornography, not all of them present</p> <p>20 characteristics consistent with being a pedophile;</p> <p>21 correct?</p> <p>22 A. Well, I think that by definition they have</p> <p>23 pedophilia tendencies, but it is -- there is a</p> <p>24 character -- or a characterization or a category of</p> <p>25 child molesters who are interested in pedophilic</p>
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<p>1 expert by a court before on this issue; correct?</p> <p>2 MR. MURRAY: Objection.</p> <p>3 THE WITNESS: What issue?</p> <p>4 BY MR. BLADUELL:</p> <p>5 Q. On the interest of pedophiles.</p> <p>6 A. I have never been asked to give that</p> <p>7 opinion in court, no.</p> <p>8 Q. And have you published on the interest of</p> <p>9 pedophiles in peer-reviewed journals?</p> <p>10 A. I have published in a variety of venues,</p> <p>11 including the peer-reviewed journal piece Paul and</p> <p>12 Linz 2008 communication research, and the chapter</p> <p>13 in the Handbook of Law and Social Science by Linz</p> <p>14 and Enrich 2001.</p> <p>15 Q. And in those publications, you develop the</p> <p>16 opinion that pedophiles are mostly interested in</p> <p>17 depictions of prepubescent children?</p> <p>18 A. Yes.</p> <p>19 Q. But the materials that you site here on</p> <p>20 paragraph 1 it's a 1992 report by the FBI; correct?</p> <p>21 A. Well, by paragraph 2, yes, I find</p> <p>22 Mr. Lanning's report compelling.</p> <p>23 Q. And the only other source that you site</p> <p>24 here is paragraph 3 on page 7, Federal Child</p> <p>25 Pornography Offenses Report released in December</p>	<p>1 images.</p> <p>2 Q. That are not pedophiles?</p> <p>3 A. Well, they may not have a history of</p> <p>4 pedophilia but are clearly interested in those</p> <p>5 images.</p> <p>6 Q. But are there also people that are not</p> <p>7 pedophiles and not child molesters that have been</p> <p>8 arrested for possessing child pornography?</p> <p>9 A. There I would have to rely on the reports</p> <p>10 that Ken Lanning and others have submitted. How</p> <p>11 one goes back and reverse engineers it in order to</p> <p>12 call these people one -- identify these people as</p> <p>13 belonging to one or another category is a matter of</p> <p>14 semantics at that point.</p> <p>15 Q. Will you also rely on studies by Wolak and</p> <p>16 Finkelhor?</p> <p>17 A. I find them to be good researchers, yes.</p> <p>18 Q. If we go to their report, it's page -- I'm</p> <p>19 sorry, Exhibit No. --</p> <p>20 A. 4.</p> <p>21 Q. -- 4, on page 6, this is Ms. Wolak's</p> <p>22 report, she says pedophiles -- on paragraph No. 1</p> <p>23 below the heading Sexual Interests of Child</p> <p>24 Pornography Viewers, "Pedophiles who are sexually</p> <p>25 interested in prepubescent children are not the</p>

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1 only viewers of child pornography.

2 "Seto 2006 found that while 61 percent of a
3 sample of child pornography offenders showed a
4 pedophilic pattern of sexual arousal during
5 clinical testing, 39 percent did not"; correct?

6 A. That is correct.

7 Q. And do you have any reason to doubt the
8 accuracy of that statement?

9 A. I don't doubt that that statement has been
10 made; however, measuring pedophilia tendencies in
11 sexual arousal it's extremely problematic during
12 clinical testing as to the amount of errors.

13 Q. So can you explain?

14 A. It is possible, for example, to repress in
15 some way ones interest or expression to sexual
16 arousal.

17 Q. So what you're saying is that the numbers
18 that are reported here might not be completely
19 accurate?

20 A. Yeah, I don't dispute that those are the
21 numbers that have been reported in Seto's report.
22 I'm just saying that kind of measurement is
23 notoriously inaccurate.

24 Q. Okay. Do you know if it's been reported
25 that this measurement reported here is inaccurate?

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1 A. No, I don't know that -- I have not looked
2 at the Seto piece.

3 Q. But have you seen any article criticizing
4 these numbers?

5 A. I know of articles in which the
6 unreliability associated with determining sexual
7 arousal in pedophiles has been deemed problematic.

8 Q. Right, but that's in general, but I'm
9 talking about specifically of Seto's report.

10 A. No, I have not examined Seto's report.

11 Q. And that's not the question. The question
12 is whether you have seen any reports criticizing
13 these numbers that Seto calculated on the
14 pedophilic pattern of child pornography offenders.

15 MR. MURRAY: Objection.

16 THE WITNESS: I have not seen any, nor have
17 I looked for any.

18 BY MR. BLADUELL:

19 Q. And if we go to page 7 of your report,
20 Mr. Linz.

21 A. Of my report?

22 Q. Yes.

23 A. Okay.

24 Q. No. 4.

25 A. Paragraph 4?

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1 Q. Yes. "In my opinion the legal and
2 scientific research shows that those pedophile
3 perpetrators interested in images of children are
4 not interested in material that is ambiguous or
5 that does not clearly involve children."

6 When you reference legal and scientific
7 research, is all of the research that you
8 referenced the one that you mentioned in this
9 section of the report?

10 A. In paragraphs 1, 2 and 3, that is correct.

11 Q. Now, you were also in paragraph No. 6 --
12 I'm sorry, page No. 7, you were also asked to
13 provide an opinion on the quantity of private
14 non-commercial sexually explicit expression, for
15 example, sexting on cell phones, postings on adult
16 websites, home-produced erotic videos and photos,
17 erotic fan fiction, attachments to emails, et
18 cetera; correct?

19 A. That is correct.

20 Q. And have you previously conducted any
21 research on this issue?

22 A. On sexting, cell phones and so forth, no, I
23 have not.

24 Q. You have no publications on this topic;
25 correct?

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1 A. No, I do not.

2 Q. And you don't teach any courses on this
3 topic?

4 A. I do teach courses on the topic.

5 Q. So what are the courses that you teach on
6 this topic?

7 A. Again, the course would be two -- actually,
8 one is that -- and they're listed in my vitae --
9 the courses where this would come up would be Sex
10 Media in the Judiciary.

11 Q. Okay.

12 A. The course Media Law; the course Psychology
13 and The Legal System; the course Law and Policy
14 Issues and Justice in Mass Media; the past courses
15 on Freedom and Communication and The Effects of
16 Mass Media, which I taught at UCLA; and probably
17 most relevant would be Mass Media and the
18 Individual, which is the first course listed.

19 Q. And can you describe what you teach about
20 sexting in those courses?

21 A. It's probably best described by reference
22 to the textbook that I use, which I have a
23 published chapter in which is in --

24 Q. Are you on page 5?

25 A. Page 5 of my vitae, there is a chapter by

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1 Dr. Neil Malamuth, myself and Dr. Weber on the
2 Internet and Aggression, that is published in a
3 recent volume called "The Social Net; The Social
4 Psychology on the Internet," and so all of those
5 issues are dealt with here to a great extent in
6 that volume, and then the course discussion.

7 Q. Now, in that chapter with --

8 A. Malamuth.

9 Q. -- Malamuth and Weber, do you attempt to
10 quantify the amount of sexually explicit expression
11 transmitted through sexting?

12 A. No.

13 Q. So what is it that you say about sexting in
14 that publication?

15 A. I wouldn't say that in this publication we
16 talked so much about sexting. You asked me about
17 my course, and the course deals with all of the
18 chapters in the -- in The Social Net; The Social
19 Psychology on the Internet, and sexting and a
20 variety of topics such as these are topics of
21 conversation in the course.

22 Q. And the extent of the conversations are --
23 does that include the quantification of the amount
24 of sexting that occurs?

25 A. There are studies that are cited by authors

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1 in The Social Net in which there has been attempts
2 to look at the amount and effect of sexting
3 particularly among teenagers.

4 Q. And have you reviewed the studies?

5 A. I have used the studies in the past, and
6 those are studies that come up in class discussion.

7 Q. But you have not undertaken to critically
8 examine the studies; correct?

9 A. I have not published in that area.

10 Q. Now, you conclude the many millions of
11 Americans exchange sex depictions and images by
12 these means, and by these means you mean Facebook,
13 Twitter, Instagram, image boards and all of those
14 that are listed here on pages 7 and 8; correct?

15 A. That is correct.

16 Q. But have you actually looked at sexually
17 explicit expression transmitted through these
18 sites?

19 A. Do I have a study of such?

20 Q. Have you looked --

21 A. No.

22 Q. Have you looked at any sexually explicit
23 expressions transmitted through these sites?

24 A. I have looked at reports associated with
25 sexual transmission associated with these sites,

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1 and I have seen sexual transmission on each of
2 these sites.

3 Q. And what's the quantity of expression that
4 you've seen transmitted?

5 A. My estimation would be that there are
6 millions and millions of such transmissions.

7 Q. But the question is, how much have you
8 seen?

9 A. I think I've seen a reasonable
10 representation of what is available here.

11 Q. And where have you seen that?

12 A. In the course of my work.

13 Q. In what sources?

14 A. Well, I would have to say that a specific
15 source cannot be given, but all sources that had
16 been used with regard to my -- the accumulation for
17 the materials in the class and other kinds of books
18 and chapters that I've read.

19 Q. Let's take Facebook, for example. You've
20 seen -- you're saying that you've seen people
21 transmit sexually explicit material through
22 Facebook?

23 A. The Facebook makes an attempt to censor
24 such material or to remove such material, but there
25 is a tremendous amount of sexual material that is

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1 transmitted through Facebook.

2 Q. And do you know that because you've seen
3 it?

4 A. Yes.

5 Q. And in what context have you seen it?

6 A. In the context of either scientific reports
7 or the context of actually looking at the Facebook
8 pages or doing searches of the Internet and those
9 individuals that -- there are often searches of
10 people that -- or rather reports of people that
11 have embarrassing or otherwise revealing photos in
12 Facebook. Those can be easily found.

13 Q. Your opinion is primarily on based on
14 reports that this is occurring; correct?

15 A. Reports and my personal experience, yes.

16 Q. But is it mostly reports or is it --

17 A. I would rely primarily on the experts with
18 regard to, for example, the other authors in the
19 published volume that I cited as well as my
20 personal observation.

21 Q. Okay. And Twitter, is that how you -- have
22 you seen these images transmitted through Twitter?

23 A. Have I seen those such images, I've seen
24 examples of them, yes.

25 Q. Do you have a Twitter account?

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1 A. No, I do not. Well, actually, no, I do
 2 not. I do not Tweet.
 3 Q. Do you have a Facebook account?
 4 A. Yes, I do.
 5 Q. Instagram, do you need to have an account
 6 to see Instagram?
 7 A. Yes, it is -- it's possible that one can
 8 get an account by simply downloading an
 9 application.
 10 Q. Do you have an account in Instagram?
 11 A. I do not personally, but I have seen many
 12 accounts.
 13 Q. You have seen -- I'm sorry?
 14 A. I have seen many Instagram accounts.
 15 Q. Of whom?
 16 A. A variety of students, a variety of people
 17 that are in my immediate social network, including
 18 my children, a variety of college student reports
 19 during class discussion as well as my own
 20 investigations into what is on Instagram.
 21 Q. And you have personally seen sexually
 22 explicit images privately transmitted through
 23 Instagram?
 24 A. I have personally seen Instagram images
 25 that are extremely sexual in nature.

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1 Q. Is that in the context of your studies?
 2 A. In the context of my teaching.
 3 Q. Now, so your opinion is mostly based on
 4 your personal experience -- let me rephrase that.
 5 Your opinion is based on your personal
 6 experience with these sources; correct?
 7 MR. MURRAY: Objection.
 8 BY MR. BLADUELL:
 9 Q. Is that one of the bases for your opinion,
 10 your personal experience.
 11 A. Well, it's one of the bases of my personal
 12 inquiry into the use of these, both by personal
 13 use, by investigations into the scientific
 14 literature on the use of these sources, as well as
 15 my -- as well as reports from students and
 16 materials that I have used in teaching in class.
 17 Q. Now, if we go to Appendix B, you said that
 18 the information here was not compiled by you;
 19 correct?
 20 A. That is correct.
 21 Q. It was compiled by an assistant of
 22 Mr. Murray?
 23 A. That is correct.
 24 Q. But you have gone into some of these sites;
 25 correct?

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1 A. That is correct.
 2 Q. And one is Ashley Madison?
 3 A. Yes.
 4 Q. And you have seen sexually explicit images
 5 being transmitted at AshleyMadison.com?
 6 A. Yes, I've seen sexual images. To what
 7 degree of explicitness, I don't recall but --
 8 Q. Do you have an account in Ashley Madison?
 9 A. No, I do not.
 10 Q. So can people that don't have accounts see
 11 the sexually explicit images being transmitted in
 12 Ashley Madison?
 13 A. Can they see such accounts, yes, they can.
 14 Do they, generally not.
 15 Q. How can you see it without --
 16 A. Ashley Madison has a very broad commercial
 17 business associated with pornography. One can
 18 access a variety of things associated with Ashley
 19 Madison through Pornhub, for example.
 20 Q. I'm sorry, how does that work?
 21 A. There are -- although my belief is that
 22 she's fairly vigilant with regard to what she
 23 permits to be shared, that if one were to Google
 24 Ashley Madison and adult dating, that one would
 25 receive literally millions of hits.

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1 Q. But in terms of actually seeing one person
 2 transmit sexually explicit images to the other, is
 3 that something that you can see by going to the --
 4 just going to the site?
 5 A. I don't recall exactly what you see on
 6 Ashley Madison, but I recall having visited Ashley
 7 Madison sites.
 8 Q. Visiting the sites and -- but seeing people
 9 actually transmitting sexually explicit images from
 10 one to the other?
 11 A. Sexual behavior.
 12 Q. Images.
 13 A. Images, as I recall, sexually -- Ashley
 14 Madison was involved in sexually explicit images,
 15 yes.
 16 Q. Do you recall what was the content of this
 17 image that you saw being transmitted?
 18 A. I don't recall the specifics.
 19 Q. Do you recall how many images you saw?
 20 A. In Ashley Madison, no, I do not.
 21 Q. Now, Pornhub in regard to page 23, Pornhub
 22 is a very different kind of website there Ashley
 23 Madison; correct?
 24 A. Yes, I think that it's similar in some ways
 25 and quite different than others -- in others.

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1 Q. And can you describe the differences?

2 A. Well, Pornhub is a kind of collection
3 service whereby a number of pornographers can be
4 displayed across a number of so-called adult tubes
5 as well as then the possibility of visiting
6 individual citizens if you will who are interested
7 in showing their -- their -- or purveying sexual
8 images.

9 Q. Is Pornhub a source of transmitting private
10 communications between adults?

11 A. Pornhub involves a variety of services that
12 can be accessed so that, for example, if one clicks
13 on Pornhub, one can have access to or one is
14 confronted with an advertisement for the
15 possibility of communication with a -- an adult
16 model, for example, and then when one communicates
17 with that adult model, that communication can be a
18 two-way communication.

19 Q. Okay. And that's in the advertisements
20 that pop up at Pornhub; correct?

21 A. That's part of it. I mean, one of the ways
22 that one becomes aware of that adult activity is
23 through Pornhub, that is correct.

24 Q. Okay. But Pornhub is not a site where
25 individuals can create an account; correct?

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1 A. Well, it is a site where individuals can
2 create an account.

3 Q. Okay. So you can have log-in information
4 for Pornhub?

5 A. Yes, you can have log-in information for
6 Pornhub for special services and special high-
7 quality depictions and so forth.

8 Q. And you can communicate privately through
9 Pornhub with other people?

10 A. You can communicate -- Pornhub can be the
11 portal for those communications.

12 Q. For private communications?

13 A. That is correct.

14 Q. But do you consider Pornhub a commercial
15 site?

16 A. Well, Pornhub attempts to make money and
17 puts advertisements on its Web page, and if you
18 were to search Pornhub in those portions of the
19 Internet that provide financial information,
20 they're attempting to make money at their
21 operation.

22 Q. So Pornhub is a commercial site?

23 A. I don't know how successful they are.

24 Q. Will you say that it is a commercial site?

25 A. Yes, I would.

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1 Q. Okay. Mr. Linz, apart from the opinions
2 that you have covered here today, do you intend to
3 offer other opinions at trial?

4 A. No, I do not.

5 Q. You said that you have reviewed the expert
6 report of Ms. Gail Dines; correct?

7 A. That is correct.

8 Q. And what is your impression about that
9 report?

10 A. I would have to review it again. My
11 impression is that there's nothing in that report
12 that would change my opinions.

13 Q. Do you feel that her opinions are reliable?

14 MR. MURRAY: Objection.

15 THE WITNESS: I assume a good-faith attempt
16 on her part to present information as best as she
17 feels she can.

18 BY MR. BLADUELL:

19 Q. Ms. Dines concludes that there's more
20 prevalence of young and youthful looking people in
21 porn than what you report; correct?

22 A. Well, you have to show me her report and
23 the portion that you're referring to.

24 Q. Well, she says teen -- for example, teen
25 porn is one of the top genres in porn. Do you

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1 recall that?

2 MR. MURRAY: Objection.

3 THE WITNESS: Yes.

4 BY MR. BLADUELL:

5 Q. Okay. And do you disagree with that?

6 A. No, I think that teen porn is extremely
7 popular.

8 Q. Okay. And, I mean, if we look at page
9 No. 23 of your report, in Pornhub there are a
10 couple of categories there; correct?

11 A. That is correct.

12 Q. Your report page 23 the MILF category has
13 6,974, there's a number besides MILF, 6,974;
14 correct?

15 A. That is correct.

16 Q. Do you know if that's the number of images
17 in Pornhub related to the category MILF?

18 A. Primarily, it's a matter of images, but
19 there may be other information as well.

20 Q. Okay. And the teen images are 16,800;
21 correct?

22 A. That is correct.

23 Q. Which is more than the MILF; correct?

24 A. That is correct.

25 Q. And more than the mature, correct, which

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<p>1 has 2,000; correct?</p> <p>2 A. That is correct.</p> <p>3 Q. In fact teen -- well, there's amateur as</p> <p>4 well, correct, the last line 19,399?</p> <p>5 A. I don't unfortunately have that --</p> <p>6 MR. MURRAY: Here.</p> <p>7 THE WITNESS: 19,399, correct.</p> <p>8 BY MR. BLADUELL:</p> <p>9 Q. What is that category amateur?</p> <p>10 A. Amateur supposedly refers to individuals</p> <p>11 that are not engaged in commercial production or</p> <p>12 not professional actors.</p> <p>13 Q. It's not -- is it a category related to the</p> <p>14 age of the performers?</p> <p>15 A. Not necessarily.</p> <p>16 Q. Okay. So categories here related to the</p> <p>17 performers are MILF, mature and teen; correct?</p> <p>18 A. I don't know what you mean by related to</p> <p>19 the age of the performers. Within each of these</p> <p>20 categories, there could be a variety of ages.</p> <p>21 Q. So in the teen category, would you expect</p> <p>22 to find predominantly teen performers there?</p> <p>23 A. In the teen category, but what I would</p> <p>24 expect to find, I'd primarily expect to find 20</p> <p>25 year olds, that's what I've seen.</p>	<p>1 A. Well, I think probably the best example is</p> <p>2 this Paul and Linz study in which we exposed people</p> <p>3 to forms of pornography and determined what the</p> <p>4 effects are and their attitudes and beliefs and</p> <p>5 have been conducting experiments for years and</p> <p>6 years, so another study, another example, might</p> <p>7 be -- I'll refer you to something in the vitae</p> <p>8 here -- well, as far as my dissertation in --</p> <p>9 publications for my dissertation which would be</p> <p>10 Sexual Violence in the Mass Media, Social</p> <p>11 Psychological -- or a better example --</p> <p>12 Q. Well, let's take the one that you mentioned</p> <p>13 first, the Effects of Exposure to Virtual Child</p> <p>14 Pornography, how would that study be conducted?</p> <p>15 A. In that case we would search through the --</p> <p>16 this particular case we searched through the</p> <p>17 Internet, found materials that we thought matched</p> <p>18 certain categories of pornography than would</p> <p>19 randomly assigned subjects to view one type of</p> <p>20 pornography versus another.</p> <p>21 And then in this particular case, we</p> <p>22 engaged in a study in which we have people make</p> <p>23 word association recognition or word recognition</p> <p>24 and we time the point at which they recognize a</p> <p>25 particular word as a means of trying to understand</p>
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<p>1 Q. So relatively young performers; correct?</p> <p>2 A. Well, adult performers.</p> <p>3 Q. Okay. And by adult, you mean 18 and up;</p> <p>4 correct?</p> <p>5 A. Obviously 18 and up.</p> <p>6 Q. So in the MILF category you would expect to</p> <p>7 find performers that are older than in the teen</p> <p>8 category; correct?</p> <p>9 A. Generally, yes.</p> <p>10 Q. Much older, correct, 30 to 40?</p> <p>11 A. Often, yes.</p> <p>12 Q. And in the mature category the same as</p> <p>13 MILF, correct, 30 to 40?</p> <p>14 A. Often, yes.</p> <p>15 MR. BLADUELL: Okay. I'm going to take</p> <p>16 five minutes to confer. I don't expect to have</p> <p>17 many more questions.</p> <p>18 (Off the record.)</p> <p>19 BY MR. BLADUELL:</p> <p>20 Q. Mr. Linz, you referred at the beginning of</p> <p>21 the deposition about experimental laboratory</p> <p>22 studies that you conducted; correct?</p> <p>23 A. That is correct.</p> <p>24 Q. And can you describe what those studies</p> <p>25 entail?</p>	<p>1 what their cognitive structure is after being</p> <p>2 exposed to certain forms of pornography.</p> <p>3 Q. What was the conclusion of that study?</p> <p>4 A. In the case of the virtual child</p> <p>5 pornography study, we find that people that are</p> <p>6 exposed to that material are in their -- to virtual</p> <p>7 child pornography as we define it there do</p> <p>8 sexualize younger adults but that doesn't carry</p> <p>9 over into any other decision-making that they make</p> <p>10 in terms of the appropriateness of the use of</p> <p>11 children and sex and the acceptability of child</p> <p>12 pornography or underaged sex activity with adults.</p> <p>13 Q. When you say that they sexualize young</p> <p>14 adults, what do you mean by that?</p> <p>15 A. I mean, technically speaking, what they</p> <p>16 come to do when presented with an image of a child</p> <p>17 is more likely to associate sexual words with that</p> <p>18 child than would be the case if they had not seen</p> <p>19 that form of pornography.</p> <p>20 Q. Are these actual images of child</p> <p>21 pornography?</p> <p>22 A. No, they are not.</p> <p>23 Q. And they're images of adults made to look</p> <p>24 like children?</p> <p>25 A. They are images that we obtained from the</p>

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<p>1 Web in which there are a variety of ages portrayed.</p> <p>2 Q. So not necessarily images of adults being</p> <p>3 made to look as if they were children?</p> <p>4 A. A wide range of images.</p> <p>5 Q. Because, I mean, as I understand, the study</p> <p>6 is about virtual child pornography; correct?</p> <p>7 A. Yes, that's correct.</p> <p>8 Q. Wouldn't it have to be images of people who</p> <p>9 look like children?</p> <p>10 A. Yes, it's -- they look young, they are --</p> <p>11 they look like teens.</p> <p>12 Q. Okay. You find a lot of examples of that</p> <p>13 in the Web?</p> <p>14 A. You can find a lot of teen pornography on</p> <p>15 the Web, that is correct.</p> <p>16 Q. But also a lot of pornography trying to</p> <p>17 make the individuals look younger; correct?</p> <p>18 MR. MURRAY: Objection.</p> <p>19 THE WITNESS: I would say that 99 percent</p> <p>20 of the cases that the individual and their age can</p> <p>21 be determined and that -- despite any makeup</p> <p>22 attempts, that's been our experience.</p> <p>23 BY MR. BLADUELL:</p> <p>24 Q. But the purpose of the makeup and other</p> <p>25 characteristics is to make them look younger?</p>	<p>1 BY MR. BLADUELL:</p> <p>2 Q. All ages 18 and up?</p> <p>3 A. Yeah, that is correct as best as I can</p> <p>4 tell, yes.</p> <p>5 Q. But they're concentrated around the 18 to</p> <p>6 20 group?</p> <p>7 A. Yes, that is correct.</p> <p>8 Q. And you can find enormous amounts of that</p> <p>9 material on the Web?</p> <p>10 MR. MURRAY: Objection.</p> <p>11 THE WITNESS: Well, the percentage of that</p> <p>12 material is reflected in my calculations, so, for</p> <p>13 example, if you look at the ratios that we've</p> <p>14 conducted with, you know, teen porn versus some</p> <p>15 denominator, that's what I would stand by as a good</p> <p>16 indication of what is happening in the Web.</p> <p>17 BY MR. BLADUELL:</p> <p>18 Q. Which is -- so no more than 2 percent of</p> <p>19 all of the pornography is pornography that depicts</p> <p>20 young individuals; correct?</p> <p>21 MR. MURRAY: Objection.</p> <p>22 BY MR. BLADUELL:</p> <p>23 Q. You can answer.</p> <p>24 A. Okay. Based on the ratios that we've</p> <p>25 calculated, that is correct.</p>
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<p>1 A. Well, there are always depictions of youth</p> <p>2 present.</p> <p>3 Q. But, again, I mean, the purpose is to you</p> <p>4 look for images where individuals have been given</p> <p>5 makeup or provided other characteristics to make</p> <p>6 them look younger; correct?</p> <p>7 MR. MURRAY: In the studies, talking about</p> <p>8 your virtual child pornography study.</p> <p>9 THE WITNESS: And in that do we look for</p> <p>10 young looking people, yes.</p> <p>11 BY MR. BLADUELL:</p> <p>12 Q. But not necessarily -- I'm sorry, not</p> <p>13 necessarily young looking but people that are made</p> <p>14 to appear younger than they are or trying to make</p> <p>15 them appear younger than they are?</p> <p>16 MR. MURRAY: Objection.</p> <p>17 THE WITNESS: No, I mean, that category of</p> <p>18 that materials that we find most fruitful is</p> <p>19 something called "Barely Legal" which clearly is</p> <p>20 18.</p> <p>21 BY MR. BLADUELL:</p> <p>22 Q. Okay. And the individuals in Barely Legal,</p> <p>23 they're from all ages; correct?</p> <p>24 MR. MURRAY: Objection.</p> <p>25 ///</p>	<p>1 Q. Okay. And from these experimental studies,</p> <p>2 do you also conduct multivariate statistical</p> <p>3 analysis?</p> <p>4 A. Yes.</p> <p>5 Q. So how do you go about doing that?</p> <p>6 A. Well, in the experimental studies?</p> <p>7 Q. Let's take the example of the one that you</p> <p>8 mentioned.</p> <p>9 A. The Paul and Linz study?</p> <p>10 Q. Yeah.</p> <p>11 A. Yeah, that would be a study in which we</p> <p>12 would look at either multiple predictors of</p> <p>13 reactions towards the material or we would look at</p> <p>14 several different kinds of dependant variables, so</p> <p>15 it wouldn't be a simple correlation between one</p> <p>16 variable and some outcome, there would be a variety</p> <p>17 of predictors and perhaps a variety of outcomes,</p> <p>18 that's all that's meant by multivariate.</p> <p>19 Q. And is this kind of study what's your</p> <p>20 primary focus on research study would you say?</p> <p>21 MR. MURRAY: Objection. What kind of</p> <p>22 study? Don't answer that. Please clarify what you</p> <p>23 mean by this kind of study.</p> <p>24 MR. BLADUELL: Mr. Linz, are you --</p> <p>25 MR. MURRAY: Don't answer that question</p>

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<p style="text-align: right;">Page 181</p> <p>1 until he clarifies it.</p> <p>2 MR. BLADUELL: Is that an instruction not</p> <p>3 to answer, Counsel.</p> <p>4 MR. MURRAY: Until you at least tell us</p> <p>5 what the question means, because I'm not going to</p> <p>6 have him answer a question that doesn't mean</p> <p>7 anything. This kind of study, I don't know if</p> <p>8 you're talking about the one article he wrote.</p> <p>9 MR. BLADUELL: Is that an instruction not</p> <p>10 to answer?</p> <p>11 MR. MURRAY: Yes.</p> <p>12 MR. BLADUELL: Based on what?</p> <p>13 MR. MURRAY: On the basis that the question</p> <p>14 is so misleading that it cannot be answered,</p> <p>15 because I don't understand the question, and I</p> <p>16 think we're entitled to know what you're referring</p> <p>17 to, that's all I'm asking you to do. I'll let him</p> <p>18 answer the question if you tell us what you mean by</p> <p>19 this kind of study. Are you referring to an</p> <p>20 article or something broader? That's all I'm</p> <p>21 asking.</p> <p>22 MS. WYER: The experimental laboratory</p> <p>23 studies that he mentioned.</p> <p>24 MR. MURRAY: That's fine. I have a no</p> <p>25 problem with that, I just have a problem --</p>	<p style="text-align: right;">Page 183</p> <p>1 studies in which we would collect data on the</p> <p>2 location of adult businesses and crime, for</p> <p>3 example.</p> <p>4 Q. Now, I'll also show you in exhibit No. 3 a</p> <p>5 study that was prepared for the Free Speech</p> <p>6 Coalition; correct?</p> <p>7 MR. MURRAY: Objection.</p> <p>8 THE WITNESS: Yeah, this is the study</p> <p>9 conducted for ACE, the Association of Club</p> <p>10 Executives, and the Free Speech Coalition.</p> <p>11 BY MR. BLADUELL:</p> <p>12 Q. The first page says, "Prepared on behalf of</p> <p>13 the Association of Club Executives and the Free</p> <p>14 Speech Coalition"; correct?</p> <p>15 MR. MURRAY: That's what he said.</p> <p>16 THE WITNESS: That is correct.</p> <p>17 BY MR. BLADUELL:</p> <p>18 Q. And have you prepared other studies on</p> <p>19 behalf of the Free Speech Coalition, besides the</p> <p>20 report you've submitted in this litigation?</p> <p>21 A. No, I have not.</p> <p>22 Q. You're sure about that?</p> <p>23 A. I'm reasonably sure.</p> <p>24 Q. Okay.</p> <p>25 A. No, I have not.</p>
<p style="text-align: right;">Page 182</p> <p>1 BY MR. BLADUELL:</p> <p>2 Q. Do you not understand my question,</p> <p>3 Mr. Linz?</p> <p>4 A. If you could repeat the question.</p> <p>5 Q. The question is, the kind of study that you</p> <p>6 describe here, effects of exposure of virtual child</p> <p>7 pornography, in which you do experimental</p> <p>8 laboratory and multivariate analysis is the focus</p> <p>9 of your research; correct?</p> <p>10 A. In terms of methods, I use experiments,</p> <p>11 quasi-experiments, surveys, archival data, so</p> <p>12 there's a variety of means that I use for</p> <p>13 undertaking my research, a variety of methods, the</p> <p>14 experiment being one of them.</p> <p>15 Q. Do you concentrate on one type of study</p> <p>16 above others?</p> <p>17 A. I wouldn't say so. I think that I'm fairly</p> <p>18 eclectic in terms of the type of data that I'm</p> <p>19 interested in collecting, so we collect data from</p> <p>20 communities, we've collected data from laboratory,</p> <p>21 we've collected data from surveys.</p> <p>22 Q. Different communities would be through</p> <p>23 surveys; correct?</p> <p>24 A. Well, at times that can be the case, but</p> <p>25 I'm referring primarily to the secondary effects of</p>	<p style="text-align: right;">Page 184</p> <p>1 MR. BLADUELL: Okay. I have no further</p> <p>2 questions at this time.</p> <p>3 MR. MURRAY: I have a couple of questions.</p> <p>4 MR. BLADUELL: Okay.</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 MR. MURRAY: And they're just a couple</p> <p>8 because I just want to clarify a couple of things.</p> <p>9 Q. I'm not going to go into the substance,</p> <p>10 we'll save that for court, but you were asked,</p> <p>11 Dr. Linz, a number of questions about have you ever</p> <p>12 been qualified by a court to testify on the various</p> <p>13 subject matters on page 2 in paragraph 4 of your</p> <p>14 report, do you recall those questions?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Have you ever been asked to testify in a</p> <p>17 court of law on any of those questions before this</p> <p>18 case?</p> <p>19 A. No, I have not.</p> <p>20 Q. Have you ever been rejected by a court as</p> <p>21 not qualified to express an opinion on any of those</p> <p>22 subjects?</p> <p>23 A. No, I have not been.</p> <p>24 Q. Now, when you write a report, do you try to</p> <p>25 use proper grammar to the best of your ability?</p>

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1 A. Yes, sir.

2 Q. And do you know what a quotation mark
3 generally is used for? Do you have an
4 understanding from a grammatical standpoint why one
5 would use a quotation mark?

6 A. Yes.

7 Q. Okay. Now, I want you to turn to page 6 of
8 your report. When you were asked about these
9 quotation marks that you used in paragraph 2 under
10 the heading of "The Quantity of Child Pornography,
11 What Is the Quantity That Depicts Older
12 Adolescents," okay, do you see that paragraph 2?

13 A. Yes, I do.

14 Q. And you were asked about the statement at
15 the end of that paragraph, "I calculated the ratio,
16 colon, quote, 'teen porn,'" closed quotes, do you
17 recall that?

18 A. Yes, I do.

19 Q. And you were asked by counsel whether or
20 not when you compared that to page 11 whether --
21 I'm sorry, not page 11, whatever page had the teen
22 porn. It was pointed out that you didn't have
23 quotation marks around it; correct?

24 A. That is correct.

25 Q. Okay. Well, the use of a quotation mark

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1 there in paragraph 2 on page 6 is designed to say
2 quote and then what follows is --

3 MR. BLADUELL: Objection, leading.

4 MR. MURRAY: -- in fact -- is in fact what
5 you were trying to convey was actually written
6 closed quote; correct?

7 MR. BLADUELL: Leading objection.

8 THE WITNESS: That is correct.

9 BY MR. MURRAY:

10 Q. Now, if had you wanted to communicate the
11 notion that the search term was, quote, "teen
12 porn," closed quote, grammatically, how would you
13 have done that?

14 A. Well, I would have put a quotation mark and
15 then a single quotation mark, which would have
16 indicated at the beginning of "teen," for example,
17 that would have indicated that this is a quote
18 about a quote, and then closed single quotation
19 mark and then quotation mark.

20 Q. And is the same true of the next term that
21 you were asked about, quote, "porn," closed quote,
22 was that grammatically correct to indicate that the
23 word "porn" is what you were trying to say was the
24 search term?

25 MR. BLADUELL: Objection, counsel is

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1 testifying.

2 THE WITNESS: Yes, that is the case.

3 MR. MURRAY: That's all I have.

EXAMINATION

6 BY MR. BLADUELL:

7 Q. Mr. Linz, would it make -- if you type the
8 word "teen porn" in Google with quotation marks,
9 would it make a difference on the results that you
10 get?

11 MR. MURRAY: Objection.

12 THE WITNESS: Would it make a difference
13 with regard to my opinion, no.

14 BY MR. BLADUELL:

15 Q. Okay. Would it make a difference in the
16 terms of the number of hits that you get?

17 A. Would establishing quotes around the actual
18 search term do so? It will change results
19 somewhat.

20 Q. And you didn't conduct the search with the
21 quotes, correct --

22 A. That is correct.

23 Q. -- to know how different it would be
24 without the quote?

25 A. I have not compared -- engaged in any

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1 comparative analysis.

2 MR. BLADUELL: No further --

3 MR. MURRAY: And you didn't suggest in your
4 report that you had conducted a search using the
5 term, quote, "teen porn," closed quote, did you?

6 THE WITNESS: No.

7 MR. BLADUELL: Objection.

8 MR. MURRAY: That's all I have.

9 MR. BLADUELL: Well, just for the record, I
10 requested a report with a complete Appendix B.

11 MR. MURRAY: I'll get you a better copy of
12 that.

13 MR. BLADUELL: And I also --

14 MR. MURRAY: Of course we keep requesting
15 better copies of the photos in the 29 inspection,
16 and we still haven't gotten good copies.

17 MR. BLADUELL: No, for the record we
18 provided all of those pictures.

19 MR. MURRAY: They're not good qualities,
20 and we learned from a deposition that there are
21 originals that could actually be looked at that
22 would actually be good qualities, but that's
23 neither here nor there. I will get you a better
24 copy of Appendix B.

25 MR. BLADUELL: And Mr. Linz also mentioned

47 (Pages 185 to 188)

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Dr. Daniel G. Linz - 4/18/2013

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1 that on page 4, paragraph 5, you would make some
2 revisions to make that paragraph clear.

3 THE WITNESS: Yes, the parentheses.

4 MR. BLADUELL: So we would request,
5 Counsel, those provisions as well.

6 I have no further questions at this time?

7 MR. MURRAY: He'll read.

8 THE WITNESS: I want to read the
9 transcript.

10 MR. BLADUELL: Mr. Linz, I want to thank
11 you for coming here today for your time and for
12 your answers and patience with my questions.

13 THE WITNESS: Okay. Thank you.

14 THE REPORTER: Mr. Murray, do you want to
15 order both copies of the transcripts, today's and
16 yesterday's?

17 MR. MURRAY: Yeah.

18 I don't need a rush on it.

19 (Whereupon, the deposition was concluded at
20 2:31 P.M.)

21 ---oOo---

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO)

3
4 I, MARIE WILSON, CSR No. 13480, do hereby
5 certify:

6 That the foregoing deposition of _____
7 was taken before me at the time and place therein
8 set forth, at which time the witness was put under
9 oath by me; that the testimony of the witness and
10 all objections made at the time of the examination
11 were recorded stenographically by me, were
12 thereafter transcribed under my direction and
13 supervision, and that the foregoing is a true
14 record of same.

15 I further certify that I am neither counsel
16 for nor related to any party to said action, nor in
17 any way interested in the outcome thereof.

18 IN WITNESS WHEREOF, I have subscribed my
19 name this _____ day of _____ 2013.

20
21
22
23
24
25

MARIE WILSON, CSR NO. 13480

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1 I, DR. DANIEL G. LINZ, declare under
2 penalty of perjury under the laws of the State of
3 California that the foregoing is true and correct.

4 Executed on _____, 2013,
5 at _____, California.

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DR. DANIEL G. LINZ

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Linz Exhibit 3

Report of Gail Dines, PhD

Expert Qualifications

I am a tenured full professor of Sociology and Women's Studies, and chair of the American Studies Department at Wheelock College in Boston. I received my bachelor and doctorate degrees from Salford University in the United Kingdom. My research focuses on images of women in pornography, the political economy of the pornography industry, and the ways that pornography shapes sexual identities, cultural norms, sexual templates, and behaviors. I have studied the pornography industry and its effects for over 25 years, and have written widely and lectured all over the world on the subject.

I am the co-author of a book on the pre-Internet pornography industry, and the sole author of a second book on the history, economics, and cultural effects of Internet pornography. My second book -- *Pornland, How Porn has Hijacked our Sexuality*, Beacon Press, 2010 -- was selected for inclusion in the Sydney (Australia) Writers' Festival, and has been translated into Polish, Chinese, and Croatian. I am also the co-editor of one of Sage Publications' best-selling textbooks: a media studies book that is going into its fourth edition in January 2014.

I have published peer-reviewed articles in journals ranging from *The Yale Journal of Law and Feminism* to *Violence Against Women*. I have been invited to give presentations and consult with governmental bodies and NGOs in the US, Canada, Iceland, Norway, Scotland, Ireland, Israel, Australia, and England, and I have given invited lectures in more than 200 colleges and universities both here and abroad. I am a recipient of *The Myers Center Award for the Study of Human Rights in North America*, and was senior consultant for the documentary *The Price of Pleasure: Pornography, Sexuality & Relationships* (Media Education Foundation). My curriculum vitae is attached as Exhibit 1.

I am being compensated at the rate of \$350.00 per hour.

Key Points of Report

This report will address why 18 USC 2257, which requires primary producers and secondary producers of sexually explicit material to comply with age-verification and record-keeping requirements with respect to the performers depicted in the materials, is necessary for the prevention of exploitation of minors by the producers. This report will argue that the vast majority of women employed as performers by the pornography industry are either youthful or very youthful looking, and only those genres called "Mature" and "MILF" (*Mothers I Like to Fuck*), consistently include performers who are most likely well over the age of 18. However, after reviewing scenes in these MILF and Mature genres, there are a significant number of videos

where a youthful or very youthful looking performer appears together with the more mature female performer (Appendix 1). Thus all genres of pornography with female performers have a preponderance of female performers that are either youthful looking or very youthful looking.

This report will also show, using a range of methodologies, that the genre that uses very youthful looking female performers, called “Teen Porn” by the industry (this term includes sub-genres and search terms such as “School Girl Porn,” “Daughter Porn” and “Babysitter Porn”) is one of the top two or three pornography genres, and by some measures might be **the top genre**. It is not a marginal phenomenon. The various methodologies and sources yield somewhat different results, but the overall picture is clear and consistent: Teen Porn accounts for a significant proportion of total online pornography, accounting for between one-quarter and one-third of the material on the most popular websites, depending on the scope of definition. Moreover, Teen Porn has been growing rapidly in the last five years, and a Google Trends analysis indicates that searches for Teen Porn have grown by 215%, or more than tripled, over the eight years for which data are available.

Although there is a wealth of scholarship on the effects of pornography on attitudes and behavior, there is a dearth of research on the actual content of internet pornography. What is missing from the research is a detailed map of content of pornography found on the free porn sites such as Pornhub.com. Because of this lack of empirical data, the only way a researcher can provide an accurate detailed analysis of the content is to devote a substantial part of their career to researching the images and trends in content by actually viewing the pornography on the tube sites, and following the pop ups and links to the paid websites. I have been researching these sites since they became popular, and in addition I follow the pornography industry’s business website (XBIZ) to make sure that my observations are in line with the trend discussed on XBIZ. It should be noted here that most of the pornography consumed today in the world is accessed through the Internet, and the pornography print industry is significantly shrinking and may become obsolete.

The Size and Scope of Pornography on the Internet

- 37% of pages online contain pornographic content (<http://www.optenet.com/en-us/new.asp?id=270>)
- Pornhub (one of the most visited pornography sites) has 2.5 billion page views per month (<http://digitaljournal.com/article/322668#ixzz2OxYrCkuf>)
- Most Internet sites average three to six minutes per visit. Porn sites average five times that—15-20 minutes per visit. (<http://gizmodo.com/5899327/how-much-porn-does-the-internet-hold>)

- A new porn video is produced every 39 minutes
(http://www.huffingtonpost.com/2012/10/29/ten-porn-industry-facts-all-time-10s-video_n_2039449.html)
- Teen porn is the second most popular porn search term in the USA
(<http://www.pornmd.com/sex-search>)
- Between December 2009 and December 2010, the pretax earnings of Manwin (one of the largest porn companies in the world) increased more than 40 percent
(<http://nymag.com/news/features/70985/index4.html>)
- 35% of all Internet downloads are pornography (<http://www.mob76outlook.com/the-us-porn-industry-continues-to-get-bigger-and-bigger/>)
- Every second, 28,258 Internet users are viewing porn
(<http://www.mob76outlook.com/the-us-porn-industry-continues-to-get-bigger-and-bigger/>)
- Porn search engine requests (68 million) are 25% of the total search engine requests being made on the Internet worldwide every single day
(<http://www.mob76outlook.com/the-us-porn-industry-continues-to-get-bigger-and-bigger/>)

Production/Distribution Map of the Contemporary Porn Industry

The Internet pornography industry is vast and made up of multiple genres and sub-genres, and distributed through both paid sites and free porn “tube” sites. Most journalists who report on the pornography industry would agree that the increasing popularity of the free porn “tube” sites over the last few years has changed the way consumers interface with pornography (see, for example, http://usatoday30.usatoday.com/money/media/2010-03-02-porn02_ST_N.htm). When I was conducting research on the industry for my book (*Pornland: How Porn has Hijacked our Sexuality*) in 2007-2008, putting the search term “porn” into Google, directed me mainly to porn sites that required a membership fee in order to watch online pornography videos.

Today, the consumer is directed to free porn tubes, which are branded pornographic website portals that provide a gateway to a vast quantity of videos and images that are uploaded by both individuals and professional pornography producers. The tubes categorize the porn by genre. They initially offer a wide array of free material but operate on a business model based on the monetization of traffic, using advertising and links to paid sites. For example, the most traveled tube porn site uses the domain name pornhub.com and is owned by Manwin.

Content is loaded onto tube sites from a variety of sources, some of which the owner of the tube site controls, some of which are not under direct control. Content can be uploaded onto these

sites by any registered member of the tube site through what is called the ‘content partner program.’ Membership is free; members can include non-professional individuals who upload their personal material, or affiliated webmasters who upload material to direct traffic to their paid sites. This method of opening up the points of production while controlling the point of distribution has transformed the online industry and made it more difficult to verify the age of the performer for four reasons.

1. Much of production today is in the hands of small-time producers who, due to the increasing conglomeration and monopolization of the industry, as well as the downloading of pirated scenes, are struggling to survive. The porn industry has been described by some as an industry in crisis (<http://www.guardian.co.uk/culture/2012/jun/05/how-internet-killed-porn>), and the group most at risk for bankruptcy is the small-time producer. The production side of the pornography industry (the activities of those who actually film pornographic material, which the 2257 requirements consider primary producers) operates in terms of a fragmented supply chain where production is dispersed across a large number of small producers. This dispersion can be seen on the list of content producers listed on You Porn.com, the second largest porn site on the Internet. As evidenced by the list of custodians of 2257 records for the 180 official content producers (<http://www.youporn.com/information/>), pornography production takes place in numerous smaller studios located in the United States, Canada or Europe, including Cyprus, the Czech Republic, UK, Budapest and the Netherlands. See <http://www.slickcash.com/usc.php>, <http://adultmovienetwork.com/exit/record/index.html> and <http://docs.eurorevenue.com/custodian.html> for a few examples of dispersed production. Even where a secondary producer keeps records in a single location, such as Kink.com, <http://www.kink.com/k/2257.jsp?c=1>, there may be multiple dispersed primary producers. The large number of primary producers makes it difficult to maintain current and accurate records. Small, independent producers are unreliable, thus opening up the possibility for loss of records. For example, on YouPorn.com many of the listed custodian sites are no longer operational. For example, www.teen18.com, www.shaftuncovered.com, and <http://pickupyourgame.com/usc2257.html> no longer lead to a producer site with 2257 compliance or in the case of <http://www.loverboysusa.com/2257.html>, the 2257 listing is obscured. Given that many small-time production companies come and go, it is especially important that records are kept and that the requirements also apply to secondary producers, so that it can be verified that the performer is over 18.
2. After **studying the porn industry for over 25 years and my ongoing research on Internet pornography**, it is clear that American-made pornography dominates, but, as shown above, there is a great deal of pornography produced in other countries, especially in Eastern and Central Europe. Eastern and Central European made porn is distinguishable from American made porn because **the performers don’t speak English**,

or if they do it is heavily accented, and this pornography is often made in what looks like a private residence. **Hence it would be impossible** to track the age of the performer without compliance with 2257.

3. Eastern and Central Europe is a major supplier for the “teen” porn genre, and for the sub-genre that is known as “defloration,” which purports to show a female having sex for the first time. In both of these, the women look more youthful than regular pornography performers. Again, this pornography is often made in what looks like a private residence and hence it would be impossible to track the age of the performer without compliance with 2257.
4. Most of the free porn tube sites are owned by Manwin, a Luxembourg-based conglomerate with more than 700 employees that owns and operates well-traveled paid pornography sites (<http://nymag.com/news/features/70985/index4.html>). In its PR material, Manwin describes itself as “the leading international provider of high-quality adult entertainment, delivered through online, mobile and television media platforms. It is the owner of the largest network of adult websites in the world, with more than 60 million daily visitors” (<http://www.manwin.com/>). A dispersed production model, together with increased concentration at the point of distribution means that a company can now upload, manage, and distribute pornographic content on websites but be completely disassociated from the original producers of the pornographic material. For example, the founders of Brazzers, a site now owned by Manwin, never visited a pornography set (<http://nymag.com/news/features/70985/index4.html>). Thus, absent record-keeping, both secondary producers and distributors removed from actual creation of the material will be unable to verify the age of the performer, which in turn would prevent others, such as law enforcement, from being able to verify these ages.

Given that youthful and very youthful performers are in the vast majority of images produced by the porn industry, and the complexities inherent in a dispersed production model, and a concentrated distribution system, it is my opinion that protection afforded by 2257 to children is necessary.

Prevalence of Youthful and Very Youthful Looking Performers in Sexually Explicit Images

My ongoing research on the image of women in Internet pornography reveals an overwhelming preponderance of youthful looking female performers. These performers are typically curvaceous, have large breasts, often surgically augmented, and have no pubic hair. They tend to wear heavy makeup (thus making them look older than they actually are), and have highly coiffed hair. In fact, it could be said that the makeup together with fake breasts (and probably hair) and shaved pubic areas, on the whole, create a standardized portrayal of an artificial female whose age it would be difficult to pinpoint because the normal things we rely on to judge age are disguised or modified.

The women are depicted as sexually aggressive in their behavior and words and will often initiate the sex, asked to be “fucked harder” and use words like “cock,” “pussy” and “cunt” to describe genitals. However sexually experienced these performers may appear, because most girls look sexually mature by the age of 14, there is no assurance, absent age verification, that a female performer is not a minor. In addition breast size and behavior, by themselves, provide no certainty that these performers are 18 or over. For example, research by Professor Marcia Herman-Giddens at the University of North Carolina on 17,000 girls found that the average age of breast-budding among white girls was 9.9 years while for black girls it was 8.8.

Appendix 3 is a screen shot of the 61 categories (genres) on Pornhub.com (2.5 billion page views per month). Nearly all the categories depict youthful looking women and the “Teen,” “Small Tits,” and “College” have female performers that look even more youthful than the majority of youthful looking performers in the other categories. It needs to be stressed that while these categories are used by the distributor and the consumer to sort through a vast amount of pornography, they are not discrete in that the content crosses multiple categories. For example, within the category “Anal” there are videos with titles such as “Anal Teen Fuck Fest,” “Teens Gets First Anal” and so on. Within the MILF category there are videos with titles such as “Fuck My Mom and Me” and “Threesome with Step Daughter” that are in the MILF category because at least one of the female performers looks more mature than the majority of performers in pornography, but there are both youthful and very youthful looking performers also in these videos.

In addition to the youthful looking performers who are found in all genres, there is a growing trend to depict *very* youthful females in pornography. Very youthful looking female can be found in a number of genres (referred to as categories on the free porn sites). Most common is that genre/category called “Teen Porn,” and a Google Trends analysis indicates that searches for Teen Porn have grown by 215%, or more than tripled, over the last eight years (timefor which data are available) (see Table 5). Teen Porn was by far the fastest growing genre over this period. On the porn tube sites, ‘teen porn’ is multiply tagged with terms such as “Lolita,” “Daughter,” “School Girls,” and “Young Pussy” (see Table 2). These tags are used to capture traffic searching for a variety of terms related to very youthful looking performers. A high proportion of those videos found within the “teen porn” and to a lesser extent, in related tags, tend to be generic and formulaic in their use of very youthful looking performers, props and language that “childify” the performer.

It should be noted that in pornography targeted to a gay male market, the use of youthful looking boys is found across genres, but is more prevalent in that genre called “Twink” pornography. Twink is a term used in the gay community to refer to a youthful looking male who lacks body and facial hair, and has a slender build (Appendix 2)

The Growth of Very Youthful Looking Female Performers in the Mainstream Pornography Industry

Background

The first popular mainstream pornography publication to feature women who look even more youthful than regular pornography performers was *Barely Legal* magazine, first produced in 1974 by Larry Flynt Publications. A pornographer known for pushing the envelope, Flynt was ahead of his time in understanding the potential profit of this niche market. While this was a small market for many years, it was the domestication of the Internet after 2000 that made *Barely Legal* a more well-known site because Flynt was a pioneer in moving pornography from magazines and videotapes to the Internet. As well as a well-traveled website, *Barely Legal* just released DVD 132 onto the market in December 2012.

While there were some competitors to *Barely Legal*, the market in very youthful looking female performers became a major niche market after the 2002 case of *Ashcroft v. Free Speech Coalition*. Here the Supreme Court ruled in favor of the coalition when it declared the 1996 Child Porn Prevention Act unconstitutional because its definition of child pornography (any visual depiction that appears to be a minor engaging in sexually explicit conduct) was ruled to be overly broad. The law was narrowed to cover only those images where an actual person (rather than one who appears to be) under the age of 18 depicted in the porn, thus opening the way for the porn industry to use either computer-generated images of children or real porn performers who, although 18 and over, are childified to look like minors.

Accessing Teen Porn Sites

While there are a number of ways to access those sites that childify performers, the main one is typing Teen Porn into Google. This yields between 57 million to 60 million hits depending on the time and day the consumer is searching for these sites. The first site that appears is Pornhub.com, which is a top visited porn site (see table 4). When you arrive at Pornhub.com, you are met with hundreds of free videos with titles such as *Horny Teen Gets Facial*, *Hot Teen Gets Fucked by Friend's Dad*, *Rocco Almost Breaks a Teen in Two* and so on (Appendix 3)

As you click on any of the hundreds of images, you can watch a free hardcore pornography video that can be as short as five minutes or as long as an hour. Some of these videos show a single childified performer masturbating while other feature acts that include rough anal and vaginal sex, choking a female performer with a penis, ejaculation onto the body, into the mouth and on the face, multiple penetrations (one female performer, three men orally, vaginally and anally penetrating her at the same time), double anal (two penises in the anus at the same time, and double vagina (two penises in the vagina at the same time). It is not unusual to see a childified performer with four or five penises in her orifices at any one time.

Clicking on a few images immediately reveals the business model behind these “free” porn sites. The goal of a free porn site is to “monetize traffic,” which means encouraging consumers to click onto sites where they have to pay a membership fee. To explain how this works I will describe the process from putting *teen porn* into Google, through to the end process of being directed to a paid site.

1. Type “teen porn” into Google
2. Enter pornhub.com and click on free video called “Freckled Amateur Teen Fucked”
3. As this is playing, pop-ups for paid sites featuring young looking performers appear by the side, underneath and actually on the video itself.
4. I clicked on one of these, called *IFuckedherFinally.com*
5. Hundreds of images of very young looking performers fill the page
6. After one more click I was taken to payment page with a form for joining
7. Membership is \$34.95 for 30 days, or \$59.95 for 90 days
8. Membership offers free access to 27 other sites with very young performers such as *Lovely Teen Land, Wild Young Honeys, Daddies and Darlings*.

Most of the female performers depicted in these videos were childified through a range of techniques.

Visual, Verbal, and Textual Techniques for Childifying the Performer

The performers in the teen genre are typically small breasted, sometimes having little more than breast buds. Indeed, they may have smaller breasts than actual sixteen or seventeen year old girls. These individual tend to be slightly built, with adolescent looking faces that are relatively free of makeup. Their hair is often in braids or pony tails, and they frequently are clothed in child-looking outfits that include knee-high socks, school uniforms, sweat shirts/T-shirts with animal motifs, Mary Jane shoes, and/or school gym wear (Appendix 4, 5, 6, & 7). Other props of childhood include:

- bed sheets with flowers, animals or hearts
- Stuffed animals on the bed and in the room
- Lollipops and candy on or near the female performer
- Pastel-colored ribbons in the hair
- Braces on their teeth,

It is not unusual to see a female porn performer wearing a school uniform, sucking a lollipop, and hugging a teddy bear, as she masturbates with a dildo. Virtually all of these performers are lacking pubic hair, which in itself is a sign of pre-pubescence. It should be noted however that over the years this has become a common practice for all pornography performers.

In addition to the image clues of childhood surrounding the female performer in teen sites, the written text accompanying the images helps set the context for representing the performers as a child. The words used to describe their bodies (including their vaginas) – tiny, small, petite, tight, cute, teeny – not only stress their youthfulness but also work to separate them from performers on other sites. Most striking is how many of these teen sites refer to the female as sweeties, sweethearts, little darlings, cutie pies, honeys; terms of endearment that starkly contrast with the abusive names the women on other sites are commonly called like slut, whore, cumdumpster, and cunt. The use of kinder terms on teen sites is a method of constructing the notion for the consumer that these girls are somehow different from the rest of the performers who populate the world of porn. This would explain why so many of these web sites have the word Innocent in their name – *Innocent Cute*, *Innocent Dream*, *Innocent Love*, and *Petite Innocent*.

Many pornography sites have text accompanying the video or image that purports to be the performer speaking to the viewer. On those sites that fall into the teen genre, the text is written to make the performer seem very youthful. Some examples below:

“Evdokiya”

"I had a lot of fun when we made this video of me masturbating. I had many orgasms and the photographer is extremely nice to me. I was very shy and I blushed as I took off schoolgirl uniform. I like doing this for you." (<http://soloteengirls.net/>) Accessed 3/26.2013

“Tanya”

"I am so happy to be on Solo Teen Girls. My friends have told me about it and I have had fun being in front of the camera. I blush when I think of people watching me play with myself but I like it too." (<http://soloteengirls.net/>) Accessed 3/26.2013

Using words like blush, shy, nice, and fun, signal to the consumer that these performers appear to be less mature and less experienced than the female performers who normally populate the pornography world. In other sub-genres, youthful and mature looking women performers do not use words such as blush or shy and instead describe themselves in more pornographic terms such as “dirty sluts,” “nasty whores” and “filthy bitches.” As a scholar who has spent over 25 years studying the image of women in pornography, it is my opinion that the female performers in those sites accessed through typing the word “teen porn” into Google, are carefully and purposely made to look like children to create for the consumer an experience that replicates masturbating to actual child pornography. Given this, children must be protected from being

used as performers by the pornography industry because an actual child would provide an even more authentic experience for those men who put “teen porn” into Google.

Other Genres/Categories that use Very Youthful (non-childified) Looking Performers

The other popular genres that use very youthful looking performers are “College Porn,” “School Girl Porn” “Baby Sitter Porn,” “Daughter Porn” (appendix 8) and “Virgin Porn.” Typically their bodies look more developed than performers in Teen Porn, but they are still depicted as sexually inexperienced, naive, easily manipulated into sex, and eager to please their male sex partner, who is often presented as more mature and in a position of power over the female performer (for example, teacher, father, coach, employer).

In the category of Virgin Porn (for example sites called *Virgin Haven*, *First Time Sex*, *Real Virgins*, and *Defloration*), the sex depicted tends to differ from much of the sex on other porn sites because the female performer in these sites look inexperienced. In place of the writhing, oiled, voluptuous women who act sexually experienced, these performers look like more youthful females who are unsure of how to perform sex for the camera. Their bodies are not arched in the same way and their movements are awkward, sometimes to the point of being clumsy. This is one way of signaling to the consumer that these performers are more youthful by virtue of their lack of sexual experience.

One site that is advertised on a number of free porn sites and that pops up one paid teen porn sites is *Defloration.com*. Claiming to be “The first website about virginity since 1998,” with “real acts of defloration,” the homepage is dominated by a picture of two hands stretching open a vagina so the user can get a clear view of the internal genitalia, which depicts, the site claims, an “intact hymen.” In the videos on the site there is often a long and drawn out scene of her being penetrated as she is grimacing and often asking her penetrator to be careful because the act is painful. This continues, sometimes for 10-15 minutes, until he withdraws his blood-stained penis. The camera lingers on the penis, showing the user clear evidence of the “defloration” before the male performer takes his penis and smears the blood over the buttocks and thighs of the female (Appendix 9).

This documentation that the performer has bled (and thus proving that she was a virgin), together with her very youthful body and sexual inexperience, produce an image of a very youthful female. Many of these scenes appear to be produced in Eastern and Central Europe because the women don’t speak English and are given names such as Kati Majorova and Anna Celkova.

Prevalence and Growth of Pornography Featuring Very Youthful Looking Female Performers

There are two main ways to estimate the prevalence of online pornography that portrays what the pornography industry defines as teen porn.

1. Search terms - We estimate the number of times particular phrases are entered into search engines such as Google.
2. Web sites – We estimate the number of web sites devoted to teen pornography

Definition for Purposes of this Research

Teen porn here is defined as those sites that depict in videos, images and words young women with childlike and/or teenage characteristics. Major sites call this segment ‘teen’, but a range of other terms are used on websites and appear frequently as search terms, such as Lolita, schoolgirl, incest and daughter (see tables 2 and 3). For each methodology, we have included search terms with the highest rankings, which vary somewhat across the methodologies used.

While, for the purpose of this research, genres are broken down into categories that are tagged as Teen, as well as other categories such as Asian, Lesbian, and MILF, it should be noted that all categories in the following Tables and Figures contain images of both youthful and very youthful performers.

In order to provide statistical evidence on the prevalence and growth of pornography featuring very youthful looking female performers, I collaborated with Dr David L. Levy who is Professor and Chair of the Department of Management and Marketing at UMass-Boston. Dr. Levy is my husband and holds a Doctorate of Business Administration from the Harvard Business School. Together we researched the free porn sites to develop a list of categories that were most common across a range of sites, investigated the way that videos are multiply tagged, collaborated on developing a range of methodologies that would yield data on the prevalence of online pornography that portrays what the pornography industry defines as teen porn.

1. Search Terms

Existing Studies and Sources

The book by Ogi Ogas and Sai Gaddam *A Billion Wicked Thoughts* (Dutton Adult, 2011) “examined erotic content online from around the world, including a billion anonymous Web searches, a million pornographic websites, a million erotic videos and more”.¹ The book was reviewed by the New York Times.² The authors used the search facility Dogpile to analyze data from the leading search engines Google, Bing and Yahoo and ranked the most frequently used search terms relating to sex. **“Youth” was the top term, at 13.5%, nearly three times the second term, Gay, at 4.7%. The top ten list is Table 1.**

The website www.pornmd.com claims to be the world’s biggest porn search engine. It offers a site on Global Internet Porn Habits, an “interactive infographic [that] shows the top 10 most

commonly searched terms on porn sites over a 6 month period. You can check out every state in the U.S. and then see what other countries around the world are searching for” (<http://www.pornmd.com/sex-search>). Figure 1 shows the list for the US as a whole, and **‘Teen’ is ranked in second place**, after MILF. **Teen was the top search term for 13 states:** Oregon, Nevada, Arizona, Wyoming, Utah, Colorado, New Mexico, S. Dakota, Texas, Missouri, Indiana, Florida, and Maine (accessed 3.23.2013).

Analysis of Google Trends

Google offers a facility to chart search term frequency:³ <http://www.Google.com/trends/>. The charts are scaled so that 100 represents the peak search volume. The charts provide insight into the relative frequency of different search terms and their trends over time. Figure 2 represents the frequency of five top porn genres for the 5 year period January 2008 to January 2013 in the US. We used popular porn genres identified on pornmd and pornhub, and then used Google trends to identify and chart the five most popular search terms used in the US.⁴ This chart demonstrates that **teen porn is the third most popular genre**. Figure 3 represents the same five search terms worldwide: teen is in second place. Figure 4 is a chart with most the popular search terms that are also frequently used to search for teen porn in the US. The chart indicates that **the total volume of searches for teen porn and related terms is more than double the volume for ‘teen porn’ alone**. This is notable because other categories such as MILF and gay porn do not have popular alternative terms. It is likely, therefore, that Fig. 2 substantially understates the relative ranking of teen porn searches relative to other genres.

Google trends analysis indicates that **searches for Teen Porn have grown by 215%**, or more than tripled, over the eight years for which data are available (see Table 5). **Teen Porn was by far the fastest growing genre over this period**. Over the last five years, searches for Teen Porn have grown by 87%, second to Gay Porn, which grew 89%.

Analysis of WordTracker Search Terms

The website SEObok (SEO is Search Engine Optimization) offers a website that provides estimates of total daily searches on particular key words and related terms, using the top 3 search engines, Google, Yahoo and Bing.⁵ Entering “teen porn”, for example, gives estimates for nearly 100 search phrases that include the two words “teen” and “porn”, such as “young teen porn” and “free teen porn videos”. These results were summed to give the total daily searches on each term. The results (see Table 2) indicate that **teen porn is a large category in relation to other genres, and potentially the largest single genre** when related terms such as Teen Sex and Teen Pussy are included.⁶ Total searches for teen-related porn are approximately 486,000 daily by this methodology.⁷ This compares with a daily total of approximately 1.1 million searches that include the word “porn”.

2. Web sites

Total Google Search Results by Search Term

One method of estimating the prevalence of websites related to particular themes is simply to put the term into Google and record the total number of hits (search results, each of which links to an accessible webpage). This is not a very accurate method, and does not indicate volume of traffic or searches.⁸

Putting the term “porn” in Google gives 1.38 billion hits, but this includes all mentions of the word in news sites, discussion forums indexed by Google, and other documents. Table 3 indicates the total Google hits for a series of search terms related to teen porn. Searches were performed with the terms in quotation marks to yield only sites with the precise phrase. The phrase “teen porn” gives 57.8 million hits, 4.2% of that for “porn”, and it is the second largest category, after gay porn. The total including related terms is 152 million, or 11% of the total for porn. **A comparison of the Google hits for teen porn and related terms indicates that it is by far the largest genre.**⁹

Google Search Results within Popular Free Porn Tubes

The three most popular porn “tubes” (offer a large quantity of videos and images across a range of genres.¹⁰ Google provides an advanced search facility that enables searches within domains. We searched within the **three** highest-ranked porn sites for teen and other genres. Table 4 displays the results. “Site Rank US” refers to the ranking of the website within the US, compared to all websites (Google itself is ranked 1, Facebook is 2, and so on). “Total hits” refers to the total number of search results within the domain.¹¹ “Teen” refers to the number of hits within the domain that include that term. The results indicate that **teen is the largest single category, and appears on 14.4 million (27%) of the 52.6 million webpages within these three sites. Including related terms such as “young” and “schoolgirl”, the number of hits rises to 17.97 million (34.2%).**¹²

Conclusion

After many years of researching the foregoing:

- The Image of women in Internet pornography and noting the over representation of youthful and very youthful looking female performers in all genres
 - The techniques used to make female performers look even more youthful in the “Teen” porn genre
 - The economic structure of the pornography industry with a dispersed production model and a concentrated distribution system
 - The high prevalence of teen searches and sites
-

it is my considered opinion that the requirements of 2257 serve a vital and valuable purpose of ensuring that those depicted are not children given the risk to children posed by the ubiquity of youthful and very youthful images found in Internet pornography.

/s/ Gail Dines, Ph.D

Table 1.

The top 10 search terms about sex from Ogi Ogas and Sai Gaddam *A Billion Wicked Thoughts* (Dutton Adult, 2011).¹³

1. Youth (13.5%)
2. Gay (4.7%)
3. MILFs (4.3%)
4. Breasts (4%)
5. Cheating wives (3.4%)
6. Vaginas (2.8%)
7. Penises (2.4%)
8. Amateurs
9. Mature
10. Animation

Table 2.

Analysis of WordTracker search terms from SEOBook website.

The daily estimated daily search totals (performed 3.23.2013) for porn, teen porn and related terms, and some other popular genres:

Porn 1,090,068 (includes longer search phrases that include “porn”)

Teen Sex	115,658
Teen Porn	112,222
Teen Pussy	94,179
Preteen Porn	73,756
Incest Porn	47,139
Tiny Tits	39,082
Pedo Porn	16,207
Daughter Porn	15,260
College Porn	10,519

Total	524,022
	38,000 Estimated overlap among categories

Net Total 486,022

MILF	298,649
Gay Porn	103,866
Lesbian Porn	67,274
Asian Porn	34,108

Table 3.

Searched 3.27.2013	Total Google hits (million) for various keywords
Porn	1380.00
"teen sex"	61.10
"teen porn"	57.80
"teen pussy"	36.00
"tiny tits"	18.90
"barely legal" porn	14.10
"young porn"	10.50
"young pussy"	10.40
"incest porn"	3.50
"college porn"	2.68
"lolita porn"	1.80
"schoolgirl porn"	1.60
"daughter porn"	1.03
"pedo porn"	0.75
"babysitter porn"	0.44
Total	220.60
Net total	152.00
"gay porn"	69.30
"asian porn"	27.90
"anal porn"	22.70
"lesbian porn"	18.10
"milf porn"	15.00

Table 4.**Google Hits within Popular Pornography Domains**

(millions)

	Pornhub	XNXX	Redtube	Total	%
Site Rank US	40	76	80		
Total hits	25.70	23.20	3.68	52.58	
Teen	5.80	6.28	2.36	14.44	27.5
Young	2.43	3.51	0.35	6.29	12.0
College	1.84	1.22	0.07	3.13	6.0
Schoolgirl	0.46	0.98	0.04	1.48	2.8
Daughter	0.29	0.54	0.02	0.85	1.6
Total teen+ related	7.75	7.73	2.49	17.97	34.2
Anal	5.72	5.58	2.33	13.63	25.9
MILF	5.42	4.90	1.61	11.93	22.7
Amateur	4.29	5.50	2.13	11.92	22.7
Lesbian	2.53	3.60	2.09	8.22	15.6
Gay	2.06	1.19	1.96	5.21	9.9

notes:

1. percentages add to more than 100 because sites have multiple tags
2. ranking of websites from Alexa.com
3. search was performed 3.27.2013
4. Total teen+ related includes the 4 search terms Teen, Young, College, and Daughter
using OR connector in search to avoid double counting i.e. the net total.

Table 5:**Comparative Growth Rates of Top Pornography Genres**

Based on Google Trends search interest index

	% Change Over Time	
	Jan '04 - Feb '13	Jan '08-Jan '13
Teen porn	215.4%	87.1%
MILF	-17.4%	-3.2%
Gay	119.0%	89.5%
Asian	0.0%	-13.3%
Lesbian	163.6%	68.0%

Figure 1. Global Porn Habits, PornMD. 10 Most Common Searches on Porn Sites in USA
<http://www.pornmd.com/sex-search> 3.23.2013

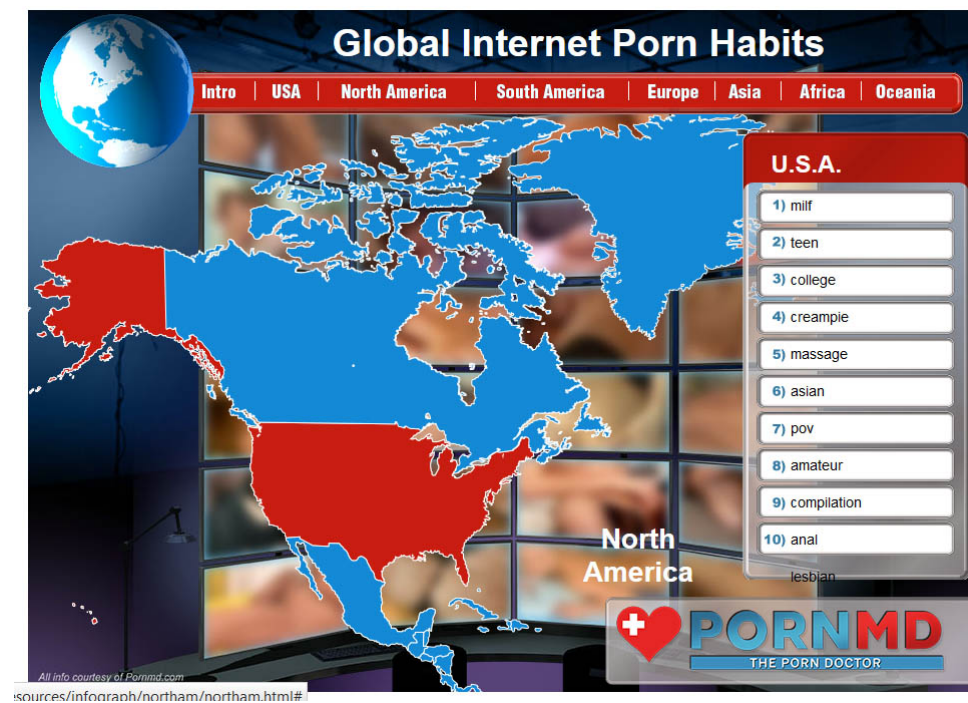


Figure 2.

Frequency of five top porn genres for the 5 year period January 2008 to January 2013 in the US

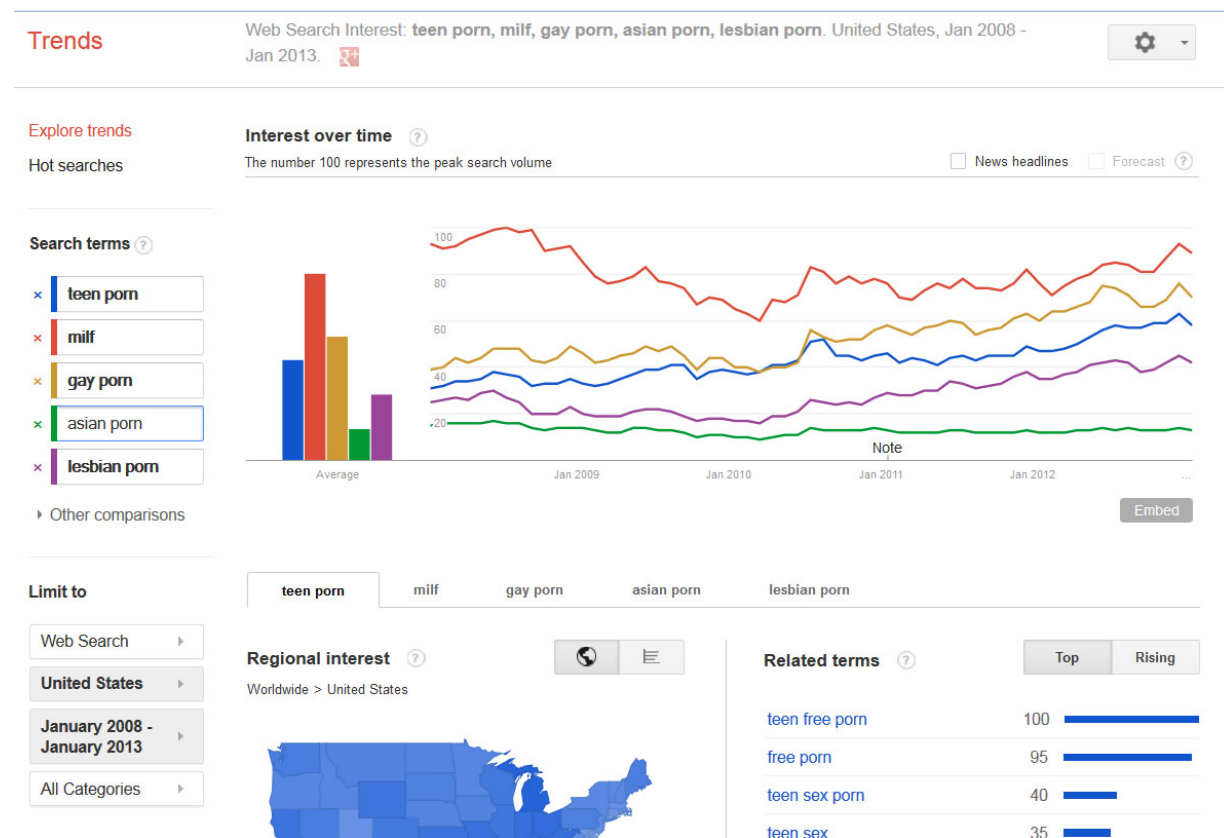


Figure 3.

Frequency of five top porn genres for the 5 year period January 2008 to January 2013, Worldwide

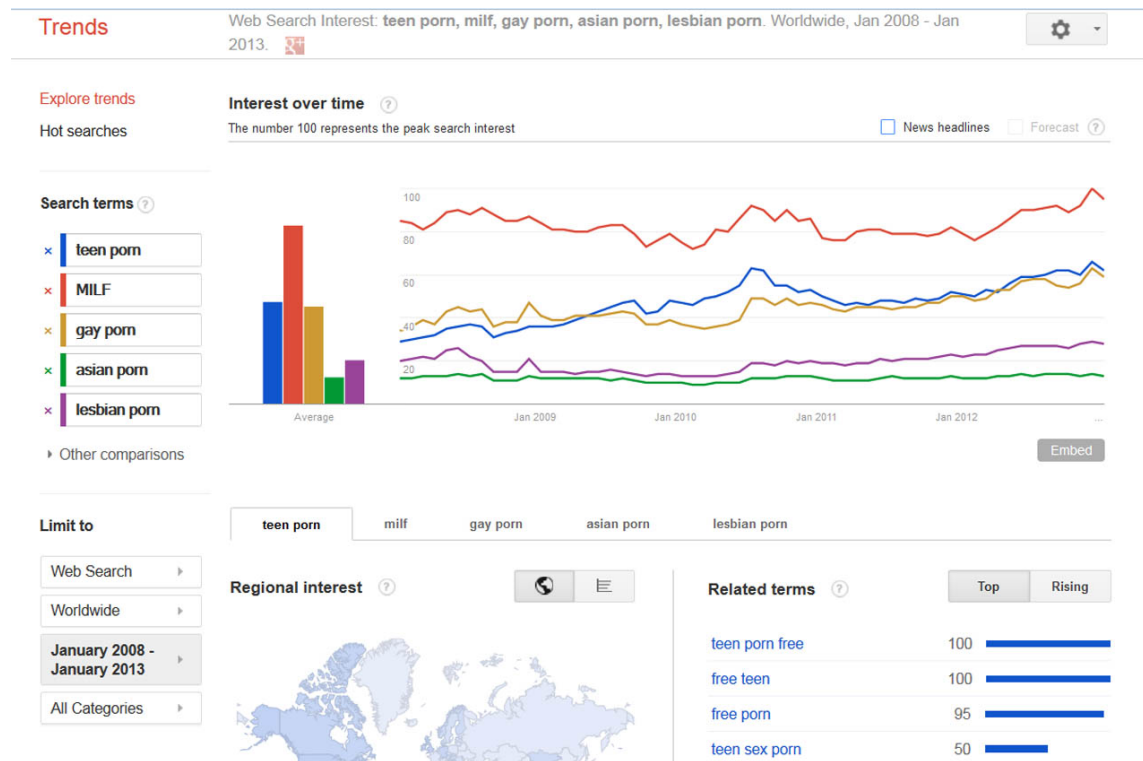
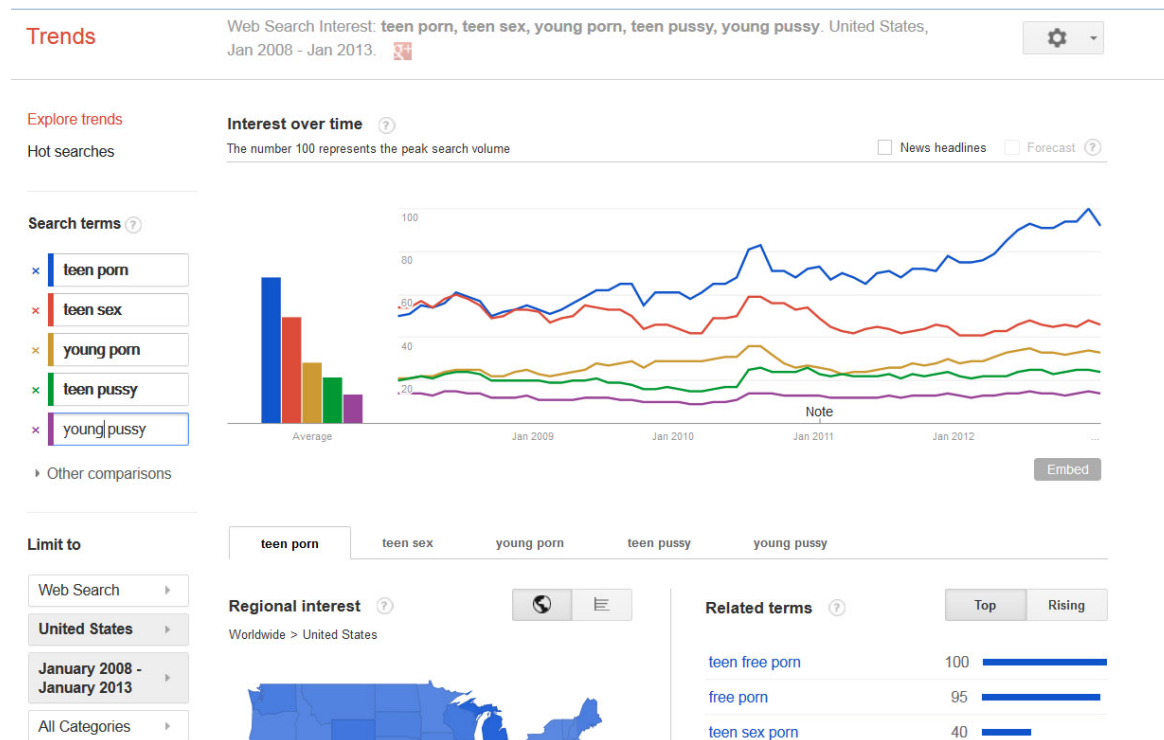


Figure 4.

Frequency of five top terms used to search for teen porn, 5 year period January 2008 to January 2013 in the US.



Footnotes

¹ http://www.huffingtonpost.com/2011/04/26/sex-study-internet-search-terms_n_854034.html

² <http://www.nytimes.com/2011/07/31/books/review/a-billion-wicked-thoughts-by-ogi-ogas-and-sai-gaddam-book-review.html>

³ Google holds about 66% of search market share in the US. <http://techcrunch.com/2012/10/11/comscore-Google-search-engine-market-share-increased-in-september-yahoo-down-another-0-6-percentage-points/>

⁴ Google trends charts are limited to five search terms.

⁵ <http://tools.seobook.com/keyword-tools/seobook/>

⁶ The overlap across these searches was estimated by looking for common search terms in each list generated by a search. E.g. ; the search term count for “teen porn” and “teen pussy” included 353 overlaps, via the search phrase “teen pussy porn”. Note that WordTracker provides only the top 100 search term combinations, so the actual total of daily searches is even larger.

⁷ This is a very conservative estimate because other search terms are also used. For example, Wordtracker indicates that over 400,000 searches a day include the term “Lolita”, such as “Lolita sex” (8,000 searches) and “Lolita porn” (13,000 searches). We did not include Lolita because the primary term does not necessarily refer to pornography.

⁸ The number of hits can vary significantly from day to day. There is also overlap across Google searches, as many sites contain multiple key words to attract traffic. The total hit for, say, “teen porn” and “teen pussy” cannot be simply added together. This is different from the analysis of search terms, which counts the number of times particular phrases are used, so the results can be summed.

⁹ Note that the other genres, such as gay and MILF, do not have significant alternative terms.

¹⁰ Alexa.com provides rankings for websites based on traffic. US rankings were used.

¹¹ Each result is an accessible webpage. Most of these are individual videos.

¹² This total combines the 4 search terms: Teen, Young, College, and Daughter. The search employed the OR connector between terms to avoid double counting sites with more than one tag.

¹³ The Huffington Post article includes the following note: “*A previous version of this top ten list included "butts" (.9%) and "cheerleaders" (.1%) as the 9th and 10th most popular queries, respectively. Ogas clarified that "butts" and "cheerleaders" are the 21st and 79th most popular searches, respectively, and that "amateurs," "mature" and "animation" are the 8th, 9th, and 10th most popular searches*”

Linz Exhibit 4

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREE SPEECH COALITION, INC. et al.,)	
)	Civil Action No. 2:09-4607
Plaintiffs,)	
)	Judge Michael M. Baylson
v.)	
)	DECLARATION OF HECTOR
THE HONORABLE ERIC H. HOLDER, JR.,)	BLADUELL
Attorney General,)	
)	
Defendant.)	
_____)	

I, Hector G. Bladuell, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Trial Attorney at the U.S. Department of Justice, Civil Division, Federal Programs Branch. I have been an attorney with the Department of Justice since 2009. I am one of the attorneys representing defendant Attorney General in the above-captioned case *Free Speech Coalition v. Holder*.

2. This declaration is based on my personal knowledge and information available to me in the course of my official duties.

3. On May 14, 2013, in connection with my work in this case and, specifically in order to address assertions in the Report of Daniel Linz, PhD, submitted by the plaintiffs, I conducted Google searches for the terms “teen porn” and “porn.” Attached to this declaration is a screenshot of the first page of the results for each of these searches. The number of hits for “teen porn” was 235,000,000. The number of hits for “porn” was 818,000,000.

4. I declare under penalty of perjury that the foregoing is true, accurate, and correct to the best of my knowledge.

Date: May 15, 2013

/s/
Hector G. Bladuell

The screenshot shows a Google search for "teen porn" in a web browser. The browser's address bar shows the URL "http://www.google.com/#q=teen+porn&biw" and the search bar contains "teen porn". The Google search results page displays "About 235,000,000 results (0.17 seconds)". The first search result is from Pornhub.com, titled "Free Teen Porn Videos, Sexy Teens Ass & Pussy ...", with a description about teen lesbians and a link to "www.pornhub.com/video?c=37". The second result is from Teensnow.com, titled "Teens Snow! More Teen Porn Videos That You ...", with a description about free teen porn videos and a link to "www.teensnow.com/". The third result is from youngpornvideos.com, titled "Free Young Porn Videos - XXX Teen Porn, Young Sex Movies ...", with a description about porn videos featuring teen xxx sex movies and a link to "www.youngpornvideos.com/". The fourth result is from kinkyteenporn.com, titled "Kinky Teen Porn Videos - Porn Tube Movies", with a description about weird teen porn movies and a link to "kinkyteenporn.com/". The fifth result is from bravoteens.com, titled "Free porn pictures teen sex tube pornstars naked babes nice ass ...", with a description about BravoTeens.Com and a link to "www.bravoteens.com/". The browser's taskbar at the bottom shows icons for Internet Explorer, Google Chrome, and several other applications. The system clock in the bottom right corner indicates the time is 9:05 PM on 5/14/2013.

http://www.google.com/#q=teen+porn&biw teen porn - Google Search

Come here often? Make Google your homepage. Sure No thanks

+You Search Images Maps Play YouTube News Gmail Drive Calendar More

Google teen porn SIGN IN

Web Images Maps Shopping Videos More Search tools

About 235,000,000 results (0.17 seconds)

[PornHub.com :: Free Teen Porn Videos, Sexy Teens Ass & Pussy ...](#)
www.pornhub.com/video?c=37
Teen lesbians should be filmed giving blowjobs. My hard drive still has some free space left and I need to expand my ever growing collection of porn vids.
Top Rated - Most Viewed Teen Videos - Teen Video Free Sex Tube - Little lupe

[Teensnow.com: Teens Snow! More Teen Porn Videos That You ...](#)
www.teensnow.com/
Teen Snow brings you free teen porn videos. ... Best Teen Porn Videos * Hottest Teens This Month * Hotties Of The Week ...
Hottest Teens This Month - 10 - 17 - 14

[Free Young Porn Videos - XXX Teen Porn, Young Sex Movies ...](#)
www.youngpornvideos.com/
Porn videos featuring teen xxx sex movies with clips of the hottest young porn stars and videos for free. All models are legal and 18+.
Categories - Free Young All Porn Videos - 18 year old Videos - Teen Girls

[Kinky Teen Porn Videos - Porn Tube Movies](#)
kinkyteenporn.com/
Weirdest teen porn movies featuring kinky young ladies, insane world of perverted sluts who prove that they are ready for anything in these teen porn videos.

[Free porn pictures teen sex tube pornstars naked babes nice ass ...](#)
www.bravoteens.com/
BravoTeens.Com has everything! Free Porn Tube and Thumbnailed Galleries with nice design. lots of categories for the true porn lovers. FANTASTIC array of

9:05 PM 5/14/2013

The screenshot shows a web browser window with a Google search for the term "porn". The browser's address bar shows the URL "http://www.google.com/#hl=en&client=psy" and the search bar contains "porn - Google Search". Below the browser window, the Google search results page is displayed. The search bar at the top of the page contains the word "porn", and a "SIGN IN" button is visible to the right. The search results are categorized under "Web" and show "About 818,000,000 results (0.19 seconds)". The first five results are listed, each with a title, a URL, a brief description, and the number of people who clicked on the link.

Come here often? Make Google your homepage. [Sure](#) [No thanks](#)

+You Search Images Maps Play YouTube News Gmail Drive Calendar More

Google [SIGN IN](#)

[Web](#) [Images](#) [Maps](#) [Shopping](#) [News](#) [More](#) [Search tools](#)

About 818,000,000 results (0.19 seconds)

[Free Porn Videos & Sex Movies - Porno, XXX, Porn Tube and Pussy ...](#)
www.pornhub.com/
Free porn sex videos & pussy movies. Porn hub is the ultimate xxx porn,sex and pussy tube, download sex videos or stream free xxx and free pussy movies.
[Categories - Teen - Milf - Free Adult Movie Site](#)
16,222 people +1'd this

[YouPorn: Porn Videos, Sex, XXX, Free Porn Tube](#)
www.youporn.com/
YOUPORN is your home for XXX & Free PORN videos. WATCH the best TEEN sex on the net! Enjoy the sexiest PORN with the hottest naked girls in our videos.
24,612 people +1'd this

[The Best Free Porn Tube, XXX, Porno and Sex Videos - PORN.COM](#)
www.porn.com/
Free porn mega site; PORN.COM, worlds greatest adult video porn tube! Super fast video streams & downloads of only the best hardcore sex videos & the ...

[FREE PORN! FREE SEX! Perfect Girls Tube - 100 000 porn movies ...](#)
www.perfectgirls.net/
Over 200 best porn videos every day. One place for all worth to see porn clips from 10 main porn tube sites.

[Free Porn Sex Videos - Redtube - XXX Movies - Home of Videos ...](#)
www.redtube.com/
RedTube brings you new free porn videos every day. Watch great xxx sex videos and pornos at the best free pussy and porn tube site on the web.

9:06 PM 5/14/2013